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## Rules, Regulations, Orders

### TITLE 6—AGRICULTURAL CREDIT CHAPTER II—COMMODITY CREDIT CORPORATION

[1941 C.C.C. Grain Sorghums Form 1—Instructions]

#### INSTRUCTIONS CONCERNING GRAIN SORGHUMS LOANS

These instructions are issued pursuant to the provisions of Title III, Sec. 302 (a) of the Agricultural Adjustment Act of 1938, as amended.

Commodity Credit Corporation has authorized the making of loans in accordance with these instructions upon the security of grain sorghums stored on farms and in Commodity Credit Corporation approved public country warehouses.

#### PART 223—1941 GRAIN SORGHUMS LOANS

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§ 223.1 *Definitions.* For the purpose of the instructions in this part, note and loan agreements, and the notes and chattel mortgages relating thereto, the following terms shall be construed, respectively, to mean:

(a) *Eligible producer.* Any person, partnership, association, or corporation producing grain sorghums as landowner, landlord, or tenant upon whose farm the 1941 total soil-depleting acreage does not exceed the total soil-depleting acreage allotment or permitted acreage under

the 1941 agricultural conservation program.

(b) *Eligible grain sorghums.* Grain sorghums of any class grading No. 4 or better, which were produced in 1941, the beneficial interest to which is and always has been in the eligible producer, will be eligible for a loan, except that grain sorghums grading weevily or smutty or which contain in excess of 13 percent moisture, if stored on farms, or 14 percent, if stored in approved country warehouses, shall not be eligible for a loan.

(c) *Eligible storage.* Shall include approved country warehouses and farm storage meeting the following respective requirements:

(1) Warehouses located at country points which have met the requirements of Commodity Credit Corporation and have executed a Uniform Grain Storage Agreement (C.C.C. Form H), including "grain sorghums" in the definition of "eligible grain." Such warehouses must be situated at country points.

(2) Farm storage shall consist of farm bins and granaries which are of such substantial and firm construction as to afford safe storage of the grain sorghums for a period of two years and permit effective fumigation for the destruction of insects and afford protection against rodents, other animals, thieves, and weather, as determined by the State and county agricultural conservation committees.

(d) *Lending agency.* Any bank, cooperative marketing association, or other corporation, partnership, or person making loans in accordance with these instructions, which has executed a Contract to Purchase (1940 C.C.C. Form E).

(e) *Eligible paper.* Eligible paper shall consist of notes of producers which are secured by chattel mortgages or warehouse receipts representing grain sorghums in existence and undamaged, dated on or subsequent to September 1, 1941, and prior to January 31, 1942, and which are executed in accordance with the instructions in this part, with State documentary revenue stamps affixed

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thereto where required by law. Notes executed by an administrator, executor, or trustee will be acceptable only where valid in law.\*

\*§§ 223.1 to 223.16, inclusive, issued under authority contained in Sec. 302 (a) 52 Stat. 43; 7 U.S.C. Sup., 1302.

§ 223.2 *Forms.* Loans will be made on the following forms:

- (a) Producer's Note (1941 C.C.C. Grain Form A).
- (b) Chattel Mortgage (1941 C.C.C. Grain Form AA).
- (c) Producer's Note and Loan Agreement (Converted 1941 C.C.C. Wheat Form B).
- (d) Warehouse receipts complying with the provisions of § 223.9 hereof and which are issued by approved country warehouses.\*

§ 223.3 *Areas in which loans will be made.* Loans will be made on eligible

grain sorghums when stored in (1) approved warehouses located at country points or (2) in private bins or granaries approved by county agricultural conservation committee.\*

§ 223.4 *Amount of loans.* Loan values on grain sorghums will be based on the numerical grade, irrespective of subclass, except mixed grain sorghums (Class V) in accordance with the following schedule:

Grain sorghums stored on farms	Grain sorghums stored in public warehouses (cents per bushel)
No. 1 grain sorghums 40¢ per bushel.....	33
No. 2 grain sorghums 38¢ per bushel.....	31
No. 3 grain sorghums 35¢ per bushel.....	28
No. 4 grain sorghums 30¢ per bushel.....	23

The above loan values are subject to a discount of two cents per bushel for mixed grain sorghums.\*

§ 223.5 *Maturity and interest rate.* All 1941 grain sorghums loans will mature on demand or June 30, 1942, and will bear interest at the rate of 3 percent per annum. Notes evidencing such loans must be dated on or before January 31, 1942.\*

§ 223.6 *Determination of quantity of grain sorghums.* Loans shall be made at values expressed in cents per bushel, a bushel being determined to be 56 pounds of clean grain sorghums free of dockage, when determined by weight, or 1.25 cubic feet of grain sorghums testing 56 pounds per bushel when determined by measurement. In determining the quantity of grain sorghums in farm storage by measurement, fractional pounds of the bushel test weight for grain sorghums testing less than 56 pounds will be disregarded, and the quantity determined by measurement shall be adjusted by the following respective percentages:

	Percent
For grain sorghums testing 56 pounds or over.....	100
For grain sorghums testing 55 pounds or over but less than 56 pounds.....	98
For grain sorghums testing 54 pounds or over but less than 55 pounds.....	96
For grain sorghums testing 53 pounds or over but less than 54 pounds.....	95
For grain sorghums testing 52 pounds or over but less than 53 pounds.....	93
For grain sorghums testing 51 pounds or over but less than 52 pounds.....	91
For grain sorghums testing 50 pounds or over but less than 51 pounds.....	89
For grain sorghums testing 49 pounds or over but less than 50 pounds.....	87

\* § 223.7 *Farm storage.* Grain sorghums stored on the farm must have been stored in the granary at least thirty (30) days prior to its inspection for measurement, sampling, and sealing. In accordance with regulations issued by the Secretary of Agriculture, the State and county agricultural conservation committees will inspect and approve storage facilities and will arrange for measuring, sampling, grading, and sealing the grain sorghums collateral in approved structures. Chattel mortgages covering farm-stored grain sorghums

must be executed and filed in accordance with the applicable State law. Producers should obtain information and assistance from the county agricultural conservation committees in regard to the execution and filing of such chattel mortgages. Where the borrower is a tenant farmer and the grain sorghums collateral is stored on the farm, the expiration date of the lease must be indicated in section 1 (d) of the chattel mortgage. If the expiration date of the lease is prior to August 30, 1942, the landlord must execute the consent for storage in section 5 of the chattel mortgage. The consent agreement must also be executed by any other party or parties entitled to possession prior to August 30, 1942. Each producer must designate in section 1 (b) of the chattel mortgage a shipping point reasonably convenient for the delivery of the grain sorghums as determined by the county committee. Mortgages will not be acceptable which provide a shipping point other than the shipping point customarily used by producers in the locality in which the grain sorghums is stored. A separate note and chattel mortgage must be submitted for grain sorghums stored on each quarter section of land.\*

§ 223.8 *Public warehouses.* Commodity Credit Corporation will accept only negotiable warehouse receipts, representing grain sorghums pledged as collateral to notes on converted 1941 C.C.C. Wheat Forms B, issued by an approved country warehouse. Warehousemen desiring approval should communicate with the Regional Director of Commodity Credit Corporation at Kansas City, Missouri. A list of approved warehouses may be obtained from the State or county agricultural conservation offices. All grain sorghums pledged as security to a note must be stored in the same warehouse.\*

§ 223.9 *Warehouse receipts.* Warehouse receipts must be dated on or prior to the date of the related note and must be properly assigned by an endorsement in blank, so as to vest title in the holder, or issued to bearer, and must be issued by approved warehouses. Unless the warehouse receipts are stamped or printed "insured" or "fully insured" there must be attached thereto or included in a certificate of the warehouseman a statement that the grain sorghums are insured for not less than the market value, against the hazards of fire, lightning, inherent explosion, windstorm, cyclone, and tornado. Commodity Credit Corporation will not accept warehouse receipts indicating any lien for charges prior to unloading in or delivery to the warehouse issuing such receipts. Lien for storage charges will be recognized by Commodity Credit Corporation only from August 1, 1941, or the date of the warehouse receipts, whichever is later. Receipts must set out in their written or printed terms the gross weight or bushels, the class and grade, the percentage of sound grain sorghums, test weight, and all other facts

and statements required to be stated in the written or printed terms of a negotiable warehouse receipt under the provisions of section 2 of the Uniform Warehouse Receipts Act, or are to be accompanied by a certificate of the warehouseman identified to such warehouse receipt, including such information. Warehouse receipts must have a notation thereon, or a certificate attached signed by the warehouseman, stating that the grain sorghums represented thereby do not contain moisture content in excess of 14 percent. A warehouse receipt representing No. 1 grain sorghums need not show moisture content since this grade permits a maximum of 14 percent moisture.\*

§ 223.10 *Liens.* The grain sorghums collateral must be free and clear of all liens except those in favor of the lienholders listed in the space provided therefor in the chattel mortgage or note and loan agreement. The names of the holders of all existing liens on the pledged or mortgaged grain sorghums, such as landlord, laborers, threshers, or mortgagees, must be listed in the space provided therefor in the mortgage or loan agreement. The waiver and consent to pledge or mortgage of the grain sorghums and the payment of the proceeds of the loan, and the proceeds of the sale of the grain sorghums solely to the producer, as contained in the mortgage or loan agreement, must be signed personally by all lienholders listed or by their duly authorized agents; or, if a corporation, by a designated officer thereof customarily authorized to execute such instruments. (In lieu of signing the section entitled "List of Lienholders and Their Waivers and Consent to Mortgage," lienholders may sign C.C.C. Form AB or 1940 C.C.C. Wheat Form AB, properly corrected, which must completely identify the related note). The producer may direct on the note that the proceeds of the loan be made payable to him and/or any other person or concern. Producers should read carefully all real estate or other mortgages previously given by them in order to determine if crops are covered thereby. Any fraudulent representation of fact made in the execution of the note and loan agreement or mortgage and related forms shall render the producer personally liable for the amount of the loan, plus interest and charges, and subject to the provisions of the United States Criminal Code.\*

§ 223.11 *Insurance—(a) Grain sorghums stored on farms.* The producer must obtain primary insurance on grain sorghums stored on the farm for not less than the amount of the loan, plus accrued interest to maturity for a period ending not earlier than August 31, 1942. Such insurance shall be evidenced by a certificate in the form approved by Commodity Credit Corporation issued by a company or association licensed to do business in the State in which the grain sorghums are stored. The insurance

coverage may be obtained through the customary channels and the form of certificate required shall be furnished by the agent writing same.

(b) *Grain sorghums stored in approved country warehouses.* With respect to such grain sorghums, the warehousemen shall provide insurance against the perils of fire, lightning, inherent explosion and windstorm, cyclone, and tornado, for the full market value thereof, so long as receipts are outstanding.

In addition to the foregoing, Commodity Credit Corporation has obtained a blanket insurance policy to protect it against errors and omissions in the primary insurance coverage, and certain other risks not covered by the primary insurance. This secondary insurance will be secured by Commodity Credit Corporation for all loans and the cost of the insurance will be paid from the service fees collected from producers.\*

§ 223.12 *County agricultural conservation committee.* Loan forms should be obtained from county agricultural conservation committees or from the Kansas City, Missouri, office of Commodity Credit Corporation. Each producer's note must be approved in the space provided therefor, by the county agricultural conservation committee, which approval must not bear a date prior to the date of the note or loan agreement. Each approval must be signed by a member of the county agricultural conservation committee for the county in which the grain sorghums were produced in the case of warehouse-stored grain sorghums, and the county in which the grain sorghums are stored for farm-stored grain sorghums. Pursuant to instructions issued by the Secretary of Agriculture, the State and county committees will determine or cause to be determined, the quantity and grade of the grain sorghums collateral and the amount of the loan. All loan documents will be completed and approved by the county committee. The county agricultural conservation association will collect a service fee for each loan approved.\*

§ 223.13 *Source of loans.* Loans may be obtained through banks and other local lending agencies, which may sell the notes evidencing such loans to Commodity Credit Corporation. Producers may also obtain loans direct from the Corporation on notes made payable to the Corporation. Such notes should be forwarded to the Commodity Credit Corporation, Kansas City, Missouri, and must be received or postmarked on or before January 31, 1942. Upon approval of the loan by the Regional Director, payment will be made as directed on the note.\*

§ 223.14 *Purchase of loans.* Commodity Credit Corporation will purchase, without recourse, eligible paper, as defined in § 223.1 above, only from lending agencies which have executed and delivered to a regional office of Commodity Credit Corporation, a Contract to Purchase, 1940 C.C.C. Form E, obtainable only from such offices.

Paper held by lending agencies must be tendered at least 10 days prior to maturity to the Regional Director of Commodity Credit Corporation at Kansas City, Missouri. The purchase price to be paid by Commodity Credit Corporation for notes accepted will be the face amount of such notes, plus accrued interest from disbursement dates to the date of payment of the purchase price at the rate of 1½ percent per annum. Under the terms of the Contract to Purchase, lending agencies are required to report weekly on 1940 C.C.C. Form F all repayments or collections on producers' notes held by them, and to remit with such report to the Regional Director of Commodity Credit Corporation at Kansas City, an amount equivalent to 1½ percent interest per annum on the principal amount collected from the date of disbursement of the note to the date of repayment.\*

§ 223.15 *Office of the Regional Director of Commodity Credit Corporation.* The address of the Regional Director previously referred to herein is 1108 Federal Reserve Bank Building, Kansas City, Missouri.\*

§ 223.16 *Release of collateral.* The producer may obtain the return of notes secured by grain sorghums at any time prior to maturity, upon the payment of the principal amount due thereon, plus accrued interest and charges. No allowance will be made for storage by Commodity Credit Corporation. The loan paper may be sent to an approved bank for collection or the producer may ascertain the amount due and remit directly to the office of the Regional Director of Commodity Credit Corporation holding the paper. Partial releases of collateral will be made as follows:

(a) In the case of farm-stored grain sorghums, the producer must identify to Commodity Credit Corporation or the lending agency the seal number of the bin to be released. Such release will be made upon payment of the amount loaned on the particular number of bushels of grain sorghums, plus interest.

(b) In the case of elevator-stored grain sorghums, producers desiring to obtain partial release should notify Commodity Credit Corporation or the lending agency describing the grain sorghums to be released, by warehouse receipt numbers. Each partial release must cover all the grain sorghums under one warehouse receipt. The warehouse receipt representing such grain sorghums will be released upon payment of the amount loaned, plus interest on such amount and any charges applicable thereto.\*

[SEAL]

J. B. HUTSON,  
President.

SEPTEMBER 4, 1941.

[F. R. Doc. 41-7629; Filed, October 10, 1941;  
11:50 a. m.]

## TITLE 7—AGRICULTURE

### CHAPTER I—AGRICULTURAL MARKETING SERVICE

#### PART 52—CANNED FRUITS AND VEGETABLES (GRADING AND CERTIFICATION)

##### AMENDMENTS

By virtue of the authority vested in the Secretary of Agriculture by the Act of Congress approved July 1, 1941 (Public Law 144—77th Congress) entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1942, and for other purposes" authorizing the establishment of an inspection service for farm products, the Rules and Regulations of the Secretary of Agriculture governing the Grading and Certification of Canned Fruits and Vegetables (Title 7, Chapter I, Part 52 of the Code of Federal Regulations) are hereby amended as follows, effective immediately:

(1) In § 52.33 strike out the figure "24" preceding the word "cans" and substitute therefor the figure "12."

(2) Strike out §§ 52.39, 52.40, 52.41, 52.42, and 52.43.

(3) In § 52.45 strike out the figure "1,000" preceding the word "cans" and substitute therefor the figure "2,000"; also in the same section strike out the figure "600" and substitute therefor the figure "1,200."

Done at Washington, D. C., this 10th day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

GROVER B. HILL,  
Acting Secretary of Agriculture.

[F. R. Doc. 41-7628; Filed, October 10, 1941;  
11:50 a. m.]

## TITLE 10—ARMY: WAR DEPARTMENT

### CHAPTER III—CLAIMS AND ACCOUNTS

#### PART 37—CLAIMS ON BEHALF OF THE UNITED STATES<sup>1</sup>

§ 37.2 *Recovery of property unlawfully detained by civilians.* Whenever information is received that animals or other property belonging to the military service of the United States are unlawfully in the possession of any person not in the military service, the property officer or other proper officer will promptly cause proceedings to be instituted and diligently prosecuted before the civil authorities for the recovery of the property and, if the same has been stolen, for the arrest, trial, conviction, and due punishment of the offender and his accomplices.

Upon satisfactory information that such United States property unlawfully in the possession of any party or parties is likely to be removed beyond the juris-

<sup>1</sup> § 37.2 is amended.

diction, concealed, or otherwise disposed of before the necessary proceedings can be had in the proper civil tribunal for its recovery, the post or detachment commander will, as hereinafter provided, accomplish its immediate recovery. In the event the property consists of clothes, arms, military outfits, or accouterments furnished by the United States to any enlisted man, the Federal statutes (R.S. 3748; 10 U.S.C. 1316; M. L. 1939, sec. 2018) authorize such property to be seized and taken from any person, not an enlisted man or officer of the United States, by any officer, civil or military, of the United States. Other Government property may be seized under the authority of a search warrant, and in these cases this procedure will be followed wherever practicable. The Federal statutes act of June 15, 1917 (40 Stat. 228; 18 U.S.C. 611), provide that a search warrant may be issued by a judge of a United States district court or by a judge of a State or Territorial court of record, or by a United States Commissioner for the district wherein the property sought is located. This search warrant is issued upon probable cause and is supported by an affidavit naming or describing the person and particularly describing the property and place to be searched. If a search warrant is not immediately available or the particular circumstances require immediate action, the post or detachment commander will at once cause the property to be seized, provided that such seizure can be accomplished without committing a breach of the peace or a trespass on private property, tendering to the party, if any, in possession or custody of the property in dispute a receipt or certificate showing that the property in question has been seized as belonging to the United States, and will hold the property seized subject to any legal proceedings that may be instituted by other parties.

Persons caught in the act of stealing public property will be summarily arrested by the troops and turned over to the civil authorities for trial.

When public property has been lost or stolen and the officer responsible therefor has failed to regain possession of it by the ordinary means, the post commander may authorize the property officer to offer a reward for its recovery.

Such a reward will not exceed one fifth of the value of the property lost or stolen, and in no case will it exceed \$50.

If the property has been stolen, the reward will include payment for such information as the claimant possesses in regard to the larceny and recovery of the property as may lead to a conviction of the guilty party. (R.S. 3748, 40 Stat. 228; 10 U.S.C. 1316, 18 U.S.C. 611) [Par. 16, AR 35-6640, Sept. 2, 1941]

[SEAL]

E. S. ADAMS,  
Major General,  
The Adjutant General.

[F. R. Doc. 41-7593; Filed, October 10, 1941;  
9:46 a. m.]

## CHAPTER VI—ORGANIZED RESERVES

### PART 64—ENLISTED RESERVE CORPS

#### SUSPENSION OF ENLISTMENTS AND REENLISTMENTS IN THE ENLISTED RESERVE CORPS WITH CERTAIN EXCEPTIONS

§ 64.5 *Enlistments.* Enlistment and reenlistments in the Enlisted Reserve Corps are suspended with the following exceptions:

(a) Former enlisted men of any component of the Army of the United States within the age limits for selective training and service registration, who have had more than 11 months' continuous active Federal service and who have been honorably discharged, may be enlisted or reenlisted in the Enlisted Reserve Corps if they are otherwise qualified for enlistment under the provisions of this section.

(b) Members of the Air Corps Enlisted Reserve Corps who were over 28 years of age on July 1, 1941, and whose reenlistment is recommended by the unit or detachment commander, may be reenlisted. (39 Stat. 195; 41 Stat. 780; 44 Stat. 705; 10 U.S.C. 421, 423-427) [Cir. 204, W.D., Sept. 30, 1941]

[SEAL]

E. S. ADAMS,  
Major General,  
The Adjutant General.

[F. R. Doc. 41-7592; Filed, October 10, 1941; 9:45 a. m.]

## CHAPTER VIII—PROCUREMENT AND DISPOSAL OF EQUIPMENT AND SUPPLIES

### PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS<sup>1</sup>

#### § 81.10 *Invitation for bids.*

(f) *Special conditions authorized or required to be included.*

(15) *Special procedures under the Bituminous Coal Act of 1937.*

(iv) \* \* \*

*Minimum price provisions.* If, after opening of bids and before award is made, the National Bituminous Coal Commission shall revise minimum prices then in effect, all bids for any item affected by such revision will be rejected and new invitation for bids issued.

Change in contract price for all rail or truck shipment from mine shall be determined as follows:

When the bid f. o. b. mine price is the then applicable minimum price (less the excise tax of one cent per net ton) estab-

<sup>1</sup> Sub-division of § 81.10 (f) (15) (iv) is amended.

lished by the Bituminous Coal Division for the size of coal produced at the mine named in the contract for shipment to the named destination, and should at any time during the life of the contract an applicable minimum price be established by the Bituminous Coal Division different from the bid f. o. b. mine price, the contract price (f. o. b. mine, f. o. b. railroad car destination, or delivered into bin, as the case may be) shall be increased or decreased by the amount that the minimum price in effect on date of delivery is more or less than the bid f. o. b. mine price.

When the bid f. o. b. mine price is more than the then applicable minimum price (less the excise tax) established by the Bituminous Coal Division for the size of coal produced at the mine named in the contract for shipment to the named destination, and should at any time during the life of the contract an applicable minimum price (less the excise tax) be established by the Bituminous Coal Division which is higher than the bid f. o. b. mine price, the said higher minimum price shall be substituted for the said bid f. o. b. mine price and the contract price (f. o. b. mine, f. o. b. railroad car destination, or delivered into bin, as the case may be) shall be increased by the amount that the higher minimum price on date of delivery is more than the bid f. o. b. mine price.

If, at any time during the life of this contract, should there be no effective minimum price as established by the National Bituminous Coal Division for the coal specified, the Government reserves the right to cancel the contract. (R.S. 3709; 31 Stat. 905; 32 Stat. 514; 10 U.S.C. 1201, 41 U.S.C. 5) [Proc. Cir. 7, W.D., Jan 29, 1941, as amended by Proc. Cir. 73, W.D., Sept. 30, 1941]

[SEAL]

E. S. ADAMS,  
Major General,  
The Adjutant General.

[F. R. Doc. 41-7594; Filed, October 10, 1941; 9:46 a. m.]

## TITLE 29—LABOR

### CHAPTER V—WAGE AND HOUR DIVISION

#### PART 536—DEFINING THE TERM "AREA OF PRODUCTION"

The following amendment to Regulations—Part 536<sup>1</sup> (Regulations defining the term "area of production" as used in section 7 (c) and in section 13 (a) (10) of the Fair Labor Standards Act) is hereby issued. This amendment amends § 536.2

(c), defining the term "area of production," as used in section 13 (a) (10) of the Fair Labor Standards Act, with respect to Puerto Rican leaf tobacco. Said amendment shall become effective on January 5, 1942, and shall be in force and effect until repealed by regulations hereafter made and published.

Signed at Washington, D. C., this 6 day of October 1941.

PHILIP B. FLEMING,  
Administrator.

§ 536.2 "Area of production" as used in section 13 (a) (10) of the Fair Labor Standards Act. An individual shall be regarded as employed in the "area of production" within the meaning of section 13 (a) (10) in handling, packing, storing, ginning, compressing, pasteurizing, drying, preparing in their raw or natural state, or canning of agricultural or horticultural commodities for market, or in making cheese or butter or other dairy products:

(a) If he performs those operations on materials all of which come from farms in the general vicinity of the establishment where he is employed and the number of employees engaged in those operations in that establishment does not exceed ten, or

(b) With respect to dry edible beans, if he is so engaged in an establishment which is a first concentration point for the processing of such beans into standard commercial grades for marketing in their raw or natural state. As used in this paragraph, "first concentration point" means a place where such beans are first assembled from nearby farms for such processing but shall not include any establishment normally receiving a portion of the beans assembled from other first concentration points, or

(c) with respect to Puerto Rican leaf tobacco, if he is engaged in piling, bulking, or otherwise handling unstripped tobacco for market in an establishment which is a first concentration point for such tobacco; provided that employees engaged in stripping tobacco or engaged in piling, bulking, or otherwise handling stripped tobacco shall not be deemed to fall within this definition. As used in this paragraph, "first concentration point" means a place where such tobacco is first assembled from nearby farms for such preparation for market but shall not include any establishment normally receiving a portion of the tobacco assembled from other concentration points, nor any establishment operated by a manufacturer for the preparation of tobacco for his own use in manufacturing.

[F. R. Doc. 41-7624; Filed, October 10, 1941; 11:46 a. m.]

<sup>1</sup> 6 F.R. 1476.

PART 609—MINIMUM WAGE RATES IN THE LEAF TOBACCO INDUSTRY AND THE MISCELLANEOUS HANDWORK DIVISION OF THE NEEDLEWORK INDUSTRIES IN PUERTO RICO

WAGE ORDER IN THE MATTER OF THE RECOMMENDATIONS OF THE SPECIAL INDUSTRY COMMITTEE FOR PUERTO RICO FOR MINIMUM WAGE RATES IN THE LEAF TOBACCO INDUSTRY AND THE MISCELLANEOUS HANDWORK DIVISION OF THE NEEDLEWORK INDUSTRIES IN PUERTO RICO

Sec.

- 609.1 Approval of recommendations of industry committee.
- 609.2 Wage rates.
- 609.3 Posting of notices.
- 609.4 Definition of the leaf tobacco industry and the miscellaneous handwork division of the needlework industries.
- 609.5 Effective date.

Whereas on August 1, 1940, pursuant to section 5 (e) of the Fair Labor Standards Act of 1938, hereinafter called the Act, the Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Orders Nos. 58, 63, 82, 90, and 98, appointed a Special Industry Committee for Puerto Rico, hereinafter called the Committee, and directed the Committee to proceed to investigate conditions and to recommend to the Administrator minimum wage rates for employees in the various industries in Puerto Rico in accordance with the provisions of the Act and rules and regulations promulgated thereunder; and

Whereas the Committee included three representatives of the public and a like number representing employers and a like number representing employees in the Leaf Tobacco Industry and Miscellaneous Handwork Division of the Needlework Industries in Puerto Rico, and was composed of residents of Puerto Rico and residents of the United States outside of Puerto Rico; and

Whereas on April 25, 1941, the Committee after investigating conditions in the Leaf Tobacco Industry and the Miscellaneous Handwork Division of the Needlework Industries, filed with the Administrator a report containing its definitions of the Leaf Tobacco Industry and the Miscellaneous Handwork Division of the Needlework Industries and its separable minimum wage recommendations for the Leaf Tobacco Industry of 20 cents an hour and for the Miscellaneous Handwork Division of the Needlework Industries of 12½ cents an hour for hand sewing operations and 20 cents an hour for other operations, including, but not by way of limitation, cutting, machine operating, stamping, sorting, pinning, washing, finishing, pressing, examining and packing; and

Whereas pursuant to notices published in the FEDERAL REGISTER and in newspapers in Puerto Rico and mailed to all interested persons, a public hearing on

the Committee's recommendations was held in San Juan, Puerto Rico, before Mr. Henry T. Hunt as presiding officer, on May 20-24, 26 and 29, 1941, and reconvened in Washington, D. C., on June 12, 1941, at which all interested persons were given an opportunity to be heard; and

Whereas the complete record of the proceeding before the Presiding Officer was transmitted to the Administrator; and

Whereas by notice given at the hearing and by publication, all persons who appeared at the hearing were given leave to file briefs on or before July 21, 1941; and

Whereas pursuant to notice published in the FEDERAL REGISTER on July 9, 1941, oral argument by persons who appeared at the hearing was heard by the Administrator on July 29, 1941; and

Whereas the Administrator upon reviewing all the evidence adduced in this proceeding and after giving consideration to the provisions of the Act with special reference to sections 5 and 8, has concluded that the separable recommendations of the Committee for minimum wage rates in the Leaf Tobacco Industry and the Miscellaneous Handwork Division of the Needlework Industries, as defined, are severally and jointly made in accordance with law, that they are supported by the evidence adduced at the hearing, and taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of Sections 5 and 8 of the Act; and

Whereas the Administrator has set forth his decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendations of the Special Industry Committee for Puerto Rico for Minimum Wage Rates in the Leaf Tobacco Industry and the Miscellaneous Handwork Divisions of the Needlework Industries in Puerto Rico" dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, Washington, D. C.;

Now, therefore, it is ordered, That:

§ 609.1 *Approval of recommendations of Industry Committee.* The Committee's recommendations for the Leaf Tobacco Industry and the Miscellaneous Handwork Division of the Needlework Industries are hereby approved and in accordance with such recommendations.\*

\*§§ 609.1 to 609.5, inclusive, issued under the authority contained in sec. 8, 52 Stat. 1064; 29 U.S.C., Sup. IV, 208.

§ 609.2 *Wage rates.* Wages at a rate of not less than 20 cents an hour shall be paid under section 6 of the Act by every employer to each of his employees in the Leaf Tobacco Industry who is en-

gaged in commerce or in the production of goods for commerce.

Wages at a rate of not less than 12½ cents an hour shall be paid under section 6 of the Act by every employer to each of his employees in the Miscellaneous Handwork Division of the Needlework Industries who is engaged in hand sewing operations, and who is engaged in commerce or in the production of goods for commerce.

Wages at a rate of not less than 20 cents an hour shall be paid under Section 6 of the Act by every employer to each of his employees in the Miscellaneous Handwork Division of the Needlework Industries who is engaged in other operations, including, but not by way of limitation, cutting, machine operating, stamping, sorting, pinning, washing, finishing, pressing, examining and packing, and who is engaged in commerce or in the production of goods for commerce.\*

§ 609.3 *Posting of notices.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Leaf Tobacco Industry and the Miscellaneous Handwork Division of the Needlework Industries shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this Order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor.\*

§ 609.4 *Definition of the leaf tobacco industry and the miscellaneous handwork division of the needlework industries.* The industries to which this Wage Order shall apply are hereby defined as follows:

(a) *Leaf tobacco industry.* The processing of leaf tobacco including, but not by way of limitation, the grading, fermenting, stemming, packing, storing, drying and handling of tobacco prior to use in the manufacture of cigars or other finished tobacco products.

(b) *Miscellaneous handwork division of the needlework industries.* The term "Miscellaneous Handwork Division of the Needlework Industries" shall mean all needlework operations performed by hand on any article not already included in other divisions of the Needlework Industries, including, but not by way of limitation, sewing, crocheting, knitting, embroidering, appliqueing, quilting and tufting.\*

§ 609.5 *Effective date.* This Wage Order shall become effective January 5, 1942.\*

Signed at Washington, D. C., this 6th day of October, 1941.

PHILIP B. FLEMING,  
Administrator.

[F. R. Doc. 41-7625; Filed, October 10, 1941; 11:47 a. m.]

## TITLE 30—MINERAL RESOURCES

## CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-918]

## PART 321—MINIMUM PRICE SCHEDULE, DISTRICT No. 1

ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT AND REVISION OF CERTAIN PRICE CLASSIFICATIONS AND MINIMUM PRICES OF COALS OF THE FREEPORT MINE (MINE INDEX NO. 1183), OF THE CAMPBELL COAL CO. AND OF THE BIGLER # 1 MINE (MINE INDEX NO. 686) OF THE MT. CARMEL COAL CO., FOR ALL SHIPMENTS

This proceeding having been instituted upon a petition filed with the Bituminous Coal Division by District Board No. 1, pursuant to the provisions of section 4 II (d) of the Bituminous Coal Act of 1937, requesting adjustments in the classifications and minimum prices heretofore established for the coals of several mines in District No. 1, the establishment of classifications and minimum prices for coals not heretofore classified or priced, and a change in the Subdistrict location of a mine;

Pursuant to an order of the Acting Director, a hearing having been held before a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to appear and fully participate in the proceedings;

The parties having waived the preparation and filing of an Examiner's Report and the matter thereupon having been submitted to the Undersigned for disposition;

The Undersigned having made Findings of Fact and Conclusions of Law and rendered an Opinion, which are filed herewith;<sup>1</sup>

Now, therefore, it is ordered, That § 321.7 (*Alphabetical list of code members*) and § 321.24 (*General prices*) in the Schedules of Effective Minimum Prices for District No. 1 for All Shipments Except Truck and for Truck Shipments be and they hereby are amended, in accordance with Supplements "R" and "T" hereto annexed and made a part hereof.

Dated: September 29, 1941.

[SEAL]

H. A. GRAY,  
Director.<sup>1</sup> Not filed with the original document.

## PERMANENT SUPPLEMENT, DISTRICT No. 1

NOTE: The material contained in these permanent supplements is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

## FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Mine Index No.	Code member	Mine name	Subdistrict No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
1183	Campbell Coal Company.	Freeport....	43	E.....	Barton, Md.....	C. & P. R. R.	66	H	H	H	K	K
686	Mt. Carmel Coal Co.....	Bigler #1....	8	E & D..	Surveyor, Pa.....	N. Y. C....	44	(†)	(†)	G	(†)	(†)

† Indicates no classifications effective for these size groups.

## FOR TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine Index No.	Mine	Sub-district No.	County	Seam	All lump coal double screened, top size 2' and over	Double screened, top size 2' and under	Run of mine, modified 1/2 M	2' and under, slack	3/4" and under, slack
Campbell Coal Company.....	1183	Freeport.....	43	Allegheny....	E.....	235	210	210	190	180
Mt. Carmel Coal Co.....	686	Bigler #1.....	8	Clearfield....	E & D..	215	215	215	190	180
Wilson Brothers (Hayden H. Wilson).....	2535	Wilson Mine....	44	Garrett.....	E.....	210	210	210	190	180

[F. R. Doc. 41-7566; Filed, October 9, 1941; 11:29 a. m.]

[Docket No. A-1000]

## PART 323—MINIMUM PRICE SCHEDULE, DISTRICT No. 3

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 3 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 3

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 3; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 323.6 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-I § 323.8 (*Special prices*)—(b) *Railroad fuel prices for all movements except via lakes*) is amended by adding thereto Supplement R-II, § 323.8 (*Special prices*)—(c) *Railroad fuel prices for movement via all lakes—all ports*) is amended by adding thereto Supplement R-III, and § 323.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order,

pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order. No relief is granted herein for the coals

of the Scotch Hill Mines Nos. 1 to 35, inclusive, (Mine Index Nos. 240, 241 and 252 through 284, inclusive, for the reasons set forth in the Order designating that portion of Docket No. A-1000 relating to such coals as Docket No. A-1000, Part II, and granting temporary relief therein.

Dated: September 19, 1941.

[SEAL]

H. A. GRAY,  
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 3

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and supplements thereto.

#### FOR ALL SHIPMENTS EXCEPT TRUCK

##### § 323.6 Alphabetical list of code members—Supplement R-I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine Index number	Code member	Mine name	Seam	Size group numbers														
				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
244	American Fuel Corporation.	Eleanor	Bakerstown	70	G	G	G	G	G	G	G	G	G	G	G	G	G	G
1160	B. & C. Smokeless Coal Co. (Joe Blinn).	Darby	Sewell	137	A	A	A	A	A	A	A	A	A	A	A	A	A	A
247	Clark Coal Co. (John A. Clark, Jr.).	Junior #4 (Anderson).	Pittsburgh	61	D	D	D	D	D	D	D	D	D	D	D	D	D	D
227	Fallon, John T.	Fallon	H. V. Kittanning	33	J	J	J	J	J	J	J	J	J	J	J	J	J	J
242	Hall & Hall (Lewis Hall).	J. Reed	Redstone	31	F	F	F	F	F	F	F	F	F	F	F	F	F	F
248	Hardesty, Guy A.	Blackburn #2 (Strip).	Pittsburgh	61	F	F	F	F	F	F	F	F	F	F	F	F	F	F
832	Hinchman, Mack	Hinchman	H. V. Freeport	30	F	F	F	F	F	F	F	F	F	F	F	F	F	F
243	Justis & Glenn (James Justis, Jr.).	Ware	Pittsburgh	156	F	F	F	F	F	F	F	F	F	F	F	F	F	F
238	Little Falls Coal Co.	Little Falls	M. V. Freeport	51	J	J	J	J	J	J	J	J	J	J	J	J	J	J
251	Lynch, B. J.	Shirley #1	Bakerstown	71	G	G	G	G	G	G	G	G	G	G	G	G	G	G
288	Lynch, B. J.	Shirley #2	Bakerstown	71	G	G	G	G	G	G	G	G	G	G	G	G	G	G
219	Stout, H. V.	Morgan	Pittsburgh	69	F	F	F	F	F	F	F	F	F	F	F	F	F	F
636	Triplett, Mike	Viropa	Pittsburgh	65	F	F	F	F	F	F	F	F	F	F	F	F	F	F
285	Warman, F. C.	Clelland	Pittsburgh	50	F	F	F	F	F	F	F	F	F	F	F	F	F	F

1 Freight Origin Group No. 37 will take the same necessary and permissible adjustments as Freight Origin Group No. 30.  
2 Freight Origin Group No. 56 will take the same necessary and permissible adjustments as Freight Origin Group No. 50.

§ 323.8 Special prices—(b) Railroad fuel prices for all movements except via lakes—Supplement R-II.

For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (b) in Part 323, Minimum Price Schedule. Group No. 1: 243, 247, 248, 249, 285, 852, 636; group No. 2: 242; group No. 3: 237, 238; group No. 5: 1160; group No. 6: 244, 251, 288.

§ 323.8 Special prices—(c) Railroad fuel prices for movement via all lakes—all ports—Supplement R-III.

For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (c) in Part 323, Minimum Price Schedule. Group No. 1: 243, 247, 248, 249, 285, 852, 636; group No. 2: 242; group No. 3: 237, 238; group No. 5: 1160; group No. 6: 244, 251, 288.

#### FOR TRUCK SHIPMENTS

##### § 323.23 General prices—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine Index No.	Mine	Seam	County	Size groups						
					1	2	3	4	5	6	7
American Fuel Corporation.	244	Eleanor	Bakerstown	Preston	235	235	235	235	235	235	235
Clark Coal Co. (John A. Clark, Jr.).	247	Junior #4 (Anderson).	Pittsburgh	Marion	223	218	218	218	218	218	218
Gard, Hubert	245	Gard #1	Mason	Pleasant	223	218	218	218	218	218	218
Gard, Hubert	250	Gard #2	Mason	Pleasant	223	218	218	218	218	218	218
Hall & Hall (Lewis Hall)	242	J. Reed	Redstone	Upshur	223	218	218	218	218	218	218
Hardesty, Guy A.	248	Blackburn #2 (Strip).	Pittsburgh	Harrison	223	218	218	218	218	218	218
Justis & Glenn (James Justis, Jr.).	243	Ware	Pittsburgh	Harrison	223	218	218	218	218	218	218
Little Falls Coal Co.	238	Little Falls	M. V. Freeport	Monongalia	225	225	225	225	225	225	225
Lynch, B. J.	251	Shirley #1	Bakerstown	Preston	235	235	235	235	235	235	235
Lynch, B. J.	288	Shirley #2	Bakerstown	Preston	235	235	235	235	235	235	235
Stout, H. V.	249	Morgan	Pittsburgh	Harrison	223	218	218	218	218	218	218
Warman, F. C.	285	Clelland	Pittsburgh	Harrison	223	218	218	218	218	218	218

[F. R. Doc. 41-7565; Filed, October 9, 1941; 11:28 a. m.]

[Docket No. A-1003]

#### PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF BINGAMON RUN COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 3 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE BINGAMON #2 MINE, (MINE INDEX NO. 246) FOR RAIL AND TRUCK SHIPMENT TO ALL MARKET AREAS

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Bingamon #2 Mine (Mine Index

No. 246) for shipment via rail and for shipment via truck into all market areas; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with this Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act:

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 323.6 (Alphabetical list of code members) is amended by adding thereto Supplement R-I, § 323.8 (Special prices—(b) Railroad fuel prices for all movements except via lakes) is amended by adding thereto Supplement R-II, § 323.8 (Special prices—(c) Railroad fuel prices

for movement via all lakes—all ports), hereinafter set forth and hereby made a part hereof.  
 Dated: September 6, 1941.  
 [SEAL] H. A. GRAY,  
 Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 3  
 NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and supplements thereto.

#### FOR ALL SHIPMENTS EXCEPT TRUCK

##### § 323.6 Alphabetical list of code members—Supplement R-I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Seam	Freight origin group No.	Size group Nos.
246	Binghamon Run Coal Company.	Binghamon #2....	Pittsburgh.....	65	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 F F F F F F F F F F F F F F F F

##### § 323.8 Special prices—(b) Railroad fuel for all movements except via lakes—Supplement R-II

Mine index No.	Code member	Mine name	Seam	Freight origin group No.	Size group Nos.
246	Binghamon Run Coal Company.	Binghamon #2....	Pittsburgh.....	65	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 F F F F F F F F F F F F F F F F

<sup>1</sup> For railroad fuel prices add this mine index number, No. 246, to Group No. 1 set forth in § 323.8 (b) in Part 323 Minimum Price Schedule.

##### § 323.8 Special prices—(c) Railroad fuel prices for movement via all lakes—all ports—Supplement R-III

Mine index No.	Code member	Mine name	Seam	Freight origin group No.	Size group Nos.
246	Binghamon Run Coal Company.	Binghamon #2....	Pittsburgh.....	65	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 F F F F F F F F F F F F F F F F

<sup>1</sup> For railroad fuel prices add this mine index number, No. 246, to Group No. 1 set forth in § 323.8 (c) in Part 323 Minimum Price Schedule.

No. 109—2

#### FOR TRUCK SHIPMENTS

##### § 323.23 General prices—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	County	Size groups
Binghamon Run Coal Company.	246	Binghamon #2....	Pittsburgh...	Harrison...	Lump over 2', egg over 2', bottom size Lump 2' and under, egg 1 1/4' and under, bottom size Lump 1 1/4' and under, egg 1 1/4' and under, bottom size All nut and pea 2' and under Run of mine, resultant over 2' 1 1/4' and 2' slack 3/4' slack
					1 2 3 4 5 6 7 218 218 218 193 193 178 168

[F. R. Doc. 41-7558; Filed, October 9, 1941; 11:26 a. m.]

[Docket No. A-1022]

#### PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 3 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 3

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 3; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 323.6 (Alphabetical list of code members) is amended by adding thereto Supplement R-I, § 323.8 (Special prices)—(b) Railroad fuel

prices for all movements except via lakes) is amended by adding thereto Supplement R-II, § 323.8 (Special prices)—(c) Railroad fuel prices for movements via all lakes—all ports) is amended by adding thereto Supplement R-III, and § 323.23 (General prices) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

No prices are established herein for the Binghamon Run Coal Company No. 2 Mine (Mine Index No. 246) of the Binghamon Run Coal Company because price classifications and effective minimum prices for Truck Shipments and For All Shipments Except Truck have been previously established for this mine in Docket No. A-1003.

No relief is granted herein for the coals of the Scotch Hill mines Nos. 76 to 80, inclusive and 85 to 92, inclusive, (Mine Index Nos. 296 to 308, inclusive), of the Henry Clay Coal Mining Company, nor for the coals of the Austen mines Nos. 1 to 9, inclusive, 15 to 20, inclusive, and 25 to 28, inclusive, (Mine Index Nos. 311 to 329, inclusive) of the Upper Elk & Potomac Coal Corporation, for the reasons set forth in the Order designating that portion of Docket No. A-1022 relating to such coals as Docket No. A-1022, Part II.

It is further ordered, That applications to stay, terminate or modify the foregoing temporary relief, or pleadings

in opposition to the final relief requested in the petition, may be filed within forty-five (45) days from the date hereof, pursuant to the Rules and Regulations Governing Practice and Procedure before the Division in Proceedings Instituted Pursuant to section 4 II (d) of the Act; and *It is further ordered*, That the relief

hereinabove granted shall become permanent sixty (60) days from the date hereof unless the Director shall otherwise order.

Dated: September 19, 1941.  
[SEAL]

H. A. GRAY,  
Director.

### TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 3

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and supplements thereto.

#### FOR ALL SHIPMENTS EXCEPT TRUCK

### § 323.6 Alphabetical list of code members—Supplement R-I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Mine index No.	Code member	Mine name	Seam	Shipping point	Railroad	Freight origin group No.	Size group Nos.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																															
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294	Clark Coal Co. (John A. Clark, Jr.)	Junior #5	Pittsburgh	Everson, W. Va.	B. & O.	61	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D

§ 323.8 Special prices—(b) Railroad fuel prices for all movements except via lakes—Supplement R-II

For railroad fuel prices add these mine index numbers to the respective groups

set forth in § 323.8 (b) in Part 323, Minimum Price Schedule. Group No. 1: 287, 291, 292, 294, 295, 310, 331, 638, 687, 924, 1014, 1021; group No. 3: 309, 330, 693, 1163; group No. 5: 290.

§ 323.8 Special prices—(c) Railroad fuel prices for movement via all lakes—all ports—Supplement R-III.

For railroad fuel prices add these mine index numbers to the respective groups

set forth in § 323.8 (c) in Part 323, Minimum Price Schedule. Group No. 1: 287, 291, 292, 294, 295, 310, 331, 638, 687, 924, 1014, 1021; group No. 3: 309, 330, 693, 1163; group No. 5: 290.

[Docket No. A-1062]  
PART 326—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 6

ORDER GRANTING TEMPORARY RELIEF AND  
CONDITIONALLY PROVIDING FOR FINAL RE-  
LIEF IN THE MATTER OF THE PETITION OF  
DISTRICT BOARD NO. 6 FOR THE ESTABLISH-  
MENT OF PRICE CLASSIFICATIONS AND MIN-  
IMUM PRICES FOR THE COALS OF CERTAIN  
MINES IN DISTRICT NO. 6

An original petition, pursuant to sec-  
tion 4 II (d) of the Bituminous Coal Act  
of 1937, having been duly filed with this  
Division by the above-named party, re-  
questing the establishment, both tempo-  
rary and permanent, of price classifica-  
tions and minimum prices for the coals  
of certain mines in District No. 6; and

The Director finding that a reasonable  
showing of necessity has been made for  
the granting of temporary relief in the  
manner hereinafter set forth; and

No petitions of intervention having  
been filed with the Division in the above-  
entitled matter; and

The Director deeming his action nec-  
essary in order to effectuate the purposes  
of the Act;

FOR TRUCK SHIPMENTS  
§ 323.23 General prices—Supplement T  
[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	County	Size groups							
					Lump over 2", egg over 2", bottom size	Lump 2", egg 2", bottom size but over 1 1/4"	Lump 1 1/4" and under, egg 1 1/4" and under, bottom size	All nut and pea 2" and under	Run of mine, resultant over 2"	1 1/4" and 2" slack	3/4" slack	7
Clark Coal Co. (John A. Clark, Jr.)	294	Junior #5	Pittsburgh	Marion	223	218	218	218	193	193	178	168
Cook, Harry	295	Hickman	Pittsburgh	Harrison	223	218	218	218	193	193	178	168
Deak, A. Harry	296	Gorman #1	M. V. Freeport	Preston	225	225	225	225	200	200	190	180
Dudley, C. L., Jr.	297	D. R. Potter (Strip)	Pittsburgh	Harrison	223	218	218	218	193	193	178	168
Henderson, Rex	297	Henderson	Pittsburgh	Marion	223	218	218	218	193	193	178	168
Henry Clay Coal Mining Co., The	299	Keener	M. V. Freeport	Preston	225	225	225	225	200	200	190	180
Jarris Bros. Coal Co.	299	Dean	Pittsburgh	Braxton	223	218	218	218	193	193	178	168
Johnson Coal Co. (Delaware K. Johnson)	310	Johnson #2	Pittsburgh	Taylor	223	218	218	218	193	193	178	168
Nicholas-Webster Coal Corp.	290	Tigons #5	No. 5 Block	Nicholas	248	238	238	233	203	183	173	173
Vernon, E. N. (Vernon Coal Co.)	291	Elliot	Pittsburgh	Harrison	223	218	218	218	193	193	178	168
Vincent, J. E.	331	Marion	Pittsburgh	Marion	223	218	218	218	193	193	178	168
Weaver, Russell	330	Weaver #1	M. V. Freeport	Preston	225	225	225	225	200	200	190	180

[F. R. Doc. 41-7559; Filed, October 9, 1941; 11:26 a. m.]

EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 6

Note: The material in these supplements is to be read in the light of the classifications, prices, instructions and other provisions contained in Part 326, Minimum Price Schedule for District No. 6 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK, RIVER, AND EX-RIVER

§ 326.5 Alphabetical list of code members—Supplement R-1

[Alphabetical list of code members having railway loading facilities, showing price classification by size group Nos.]

Mine index No.	Code member	Mine name	Sub- dis- trict No.	Seam	Type	Shipping points in West Virginia	Railroad	Price classifications by size group Nos.													
								Freight origin group Nos.	1	2	3	4	5	6	7	8	9	10	11	12	
147	Kafton, Sam (Sam Kafton Coal)	Marion		Pgh. 8	Deep	Wellsburg	P. R. R.	30	C	C	C	C	C	C	C	C	C	C	C	C	C
155	McMahon, John T.	McCord		Pgh. 8	Deep	Wellsburg	P. R. R.	30	C	C	C	C	C	C	C	C	C	C	C	C	C

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief be and the same hereby is granted as follows: Commencing forthwith, § 326.5 (Alphabetical list of code members) is amended by adding thereto Supplement R-1, and § 326.6 (Numerical list of mines) is amended by adding thereto Supplement R-II, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: September 30, 1941.

H. A. GRAY,  
Director.

FOR ALL SHIPMENTS EXCEPT TRUCK, RIVER, AND EX-RIVER.  
§ 326.6 Numerical list of mines—Supplement R-II

Refer to § 326.6 in Part 326, Minimum Price Schedule for District No. 6. Add the following:

Mine index No.	Mine name	Code member	Freight origin group Nos.	Railroad
1147	Marion	Kafton, Sam (Sam Kafton Coal)	30	P. R. R.
1155	McCord	McMahon, John T.	30	P. R. R.

\* Prices for all Mine Index Numbers except 7, 20, 24 and 26 shown in § 326.7, § 326.8 (a), (b), (c), (d) in Part 326, Minimum Price Schedule apply to Mine Index Numbers 147 and 155.

[F. R. Doc. 41-7564; Filed, October 9, 1941; 11:28 a. m.]

[Docket No. A-376]

### PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION, AND ORDER OF THE DIRECTOR IN THE MATTER OF THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS PRODUCED IN DISTRICT NO. 7 FOR WHICH PRICE CLASSIFICATIONS AND MINIMUM PRICES HAVE NOT HERETOFORE BEEN ESTABLISHED

This proceeding was instituted upon a petition filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by the establishment of certain minimum prices for coals produced in District 7 for truck shipment, as shown in Exhibit A annexed to the petition. Pursuant to Order of the Director temporary relief was granted herein, in accordance with the petitioner's request therefor, pending the final determination of this matter.

Pursuant to Order of the Director, and after due notice to all interested persons, a hearing in this matter was held before Charles O. Fowler, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. The petitioner

appeared. The preparation and filing of a report by the Examiner was waived by stipulation of the interested parties and the record was thereupon submitted to the undersigned.

In support of the request for the establishment of the minimum prices proposed in the petition, the Executive Secretary and Assistant Treasurer of District Board 7 testified that the classifications requested were approved by District Board 7 at its meeting on December 17, 1940, and that it has received no protests with respect to such classifications. In the opinion of this witness, the classifications requested comply with the standards and provisions of section 4 II (a) and 4 II (b) of the Act, will not disturb the coordination of minimum prices of the coals produced in District 7 with the coals produced in other districts, and will have no appreciable effect upon the realization of either District 7 or Minimum Price Area No. 1.

Upon the basis of the uncontroverted evidence, I find and conclude that the classifications and prices shown in the schedule hereto attached are proper and should be established; and that the establishment of such classifications and minimum prices is required in order to effectuate the purposes of section 4 II (a) and 4 II (b) of the Act and to comply in all respects with the standards thereof.

Now, therefore, it is ordered, That commencing forthwith § 327.34 (General prices in cents per net ton for shipment into any market area) is amended by adding thereto Supplement T, which

### PERMANENT SUPPLEMENT, DISTRICT NO. 7

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and supplements thereto.

### FOR TRUCK SHIPMENTS

### § 327.34 General prices in cents per net ton for shipment into any market area

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump 14" or larger, all egg and stove, All nut or pea 14" top size or smaller	Screened M/R	Straight mine run	14" screenings	3/4" screenings
Bivens, O. L. (Best Coal Co.)	699	Bivens	2	Raleigh	Fire Creek	330	250	250	215	195
Davidson Coal Co. (E. E. Davidson)	695	#1	4	McDowell	Welch	315	250	250	215	190
Dunavant, Edgar	696	#1	3	Merced	Poca 3	290	250	250	215	185
Farley & Yates (J. D. Farley)	688	#1	3	McDowell	Poca 9	290	250	250	215	185
Gwynn, F. V.	693	Gwynn	2	Fayette	Fire Creek	330	250	250	215	190
Jones, H. A.	686	Callison #2	1	Greenbrier	Poca 6	290	250	250	215	185
Shawver & Pittsenger (C. M. Pittsenger)	700	Shawver #2	1	Greenbrier	Sewell	290	250	250	215	190
Shrader, J. J.	689	Shrader	4	Tazewell	Edge	290	240	250	215	190
White Ash Coal Co.	697	#1	4	McDowell	War Creek	290	250	250	215	185
Wilson Coal Co. (P. H. Wilson)	698	Wilson	3	Merced	Poca 3	290	250	250	215	190

[F. R. Doc. 41-7560; Filed, October 9, 1941; 11:26 a. m.]

[Docket No. A-1030]

### PART 329—MINIMUM PRICE SCHEDULE, DISTRICT NO. 9

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 9 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 9, FOR TRUCK SHIPMENTS

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifica-

tions and minimum prices for the coals of certain mines in District No. 9, for truck shipments; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act:

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 329.24 (General prices in cents per net ton for shipment

into any market area) is amended by adding thereto Supplement "T", which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in

the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations

Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. It is further ordered, That the relief herein granted shall become final sixty

(60) days from the date of this Order, unless the Director shall otherwise order. Dated: September 23, 1941.

[SEAL] H. A. GRAY,  
Director.

# TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 9

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 329, Minimum Price Schedule for District No. 9 and supplements thereto.

## FOR TRUCK SHIPMENTS

### § 329.24 General prices in cents per net ton for shipment into any market area—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index				Prices and size group Nos.																		
Mine index No.	Mine	Seam		1, 2	3	4	5	6	7	8	9	10, 11, 12	13, 14	15	17	18, 19, 20	21, 22	23, 24	25	26, 27	28, 29	
BUTLER COUNTY																						
Cardwell, Kenneth & Goldie McCormick	919	K. & G.	Stray	235	225	215	175	170	160	160	160	140	110	50							120	135
Cardwell, Lawson & Rufus Turence	920	L. & R.	Stray	235	225	215	175	170	160	160	160	140	110	50							120	135
Dicker, Enos	921	Dicker	Stray	235	225	215	175	170	160	160	160	140	110	50							120	135
Fields, D. B.	946	Fields #2	Stray	235	225	215	175	170	160	160	160	140	110	50							120	135
Fleener, Bennie D.	930	Mitchell	Stray	235	225	215	175	170	160	160	160	140	110	50							120	135
Martin, C. E.	924	C. E. Martin	Stray	235	225	215	175	170	160	160	160	140	110	50							120	135
Philips, J. E.	915	S. A. Fields	Stray	235	225	215	175	170	160	160	160	140	110	50							120	135
Philips, Kenneth	914	Golden Tip	Stray	235	225	215	175	170	160	160	160	140	110	50							120	135
Romans, Lonnie	921	Elvis	Stray	235	225	215	175	170	160	160	160	140	110	50							120	135
Taylor, Ochra	949	Taylor & Basham	Stray	235	225	215	175	170	160	160	160	140	110	50							120	135
DAVIES COUNTY																						
English, Fines	912	English	#9	205	195	185	175	170	160	160	160	140	110	50							120	135
Rafferty, E. D.	937	Rafferty #2	#9	205	195	185	175	170	160	160	160	140	110	50							120	135
Rimbarger & Howard (D. F. Rimbarger)	913	R. & H.	#9	205	195	185	175	170	160	160	160	140	110	50							120	135
Wood, Oliver	931	Oliver	#9	205	195	185	175	170	160	160	160	140	110	50							120	135
HANCOCK COUNTY																						
Brunner, J.	923	Jay	Stray	205	195	185	175	170	160	160	160	140	110	50							120	135
Rhodes, W. J.	918	W. J. Rhodes	Stray	205	195	185	175	170	160	160	160	140	110	50							120	135
HENDERSON COUNTY																						
Walden, Joe	911	Walden	#9	205	195	185	175	170	160	160	160	140	110	50							120	135
HOPKINS COUNTY																						
Browder Hill Coal Co. (A. E. Hinton)	916	Browder Hill	#11	205	195	185	175	170	160	160	160	140	110	50							120	135
Brown & Dockery (Owen Brown)	935	Brown & Dockery	#9	205	195	185	175	170	160	160	160	140	110	50							120	135
Kyle, Jasper	910	Bob Killick	#11	205	195	185	175	170	160	160	160	140	110	50							120	135
Ruckman, Albert J.	948	Pond River Coal Co.	#11	205	195	185	175	170	160	160	160	140	110	50							120	135
West Kentucky Coal Company	947	Hedra	#9	205	195	185	175	170	160	160	160	140	110	50	155	150	145	135	105			
MUHLBERG COUNTY																						
A. & A. Coal Co. (Frank Alexander)	908	A. & A.	#11	205	195	185	175	170	160	160	160	140	110	50							120	135
Beardell Brothers	939	Beardell #2	#9	205	195	185	175	170	160	160	160	140	110	50							120	135
Casbeer, W. L.	920	Casbeer #3	#11	205	195	185	175	170	160	160	160	140	110	50							120	135
Riverside Coal Co. (Cecil A. Shannon)	917	Riverside	#9	205	195	185	175	170	160	160	160	140	110	50							120	135
Shum & Shum (Fred Shum)	932	Shum	#11	205	195	185	175	170	160	160	160	140	110	50							120	135
Turner, Melvin & Denal (Melvin Turner)	925	Turner #2	#9	205	195	185	175	170	160	160	160	140	110	50							120	135
OHIO COUNTY																						
Alvey Bros. (Bernard Alvey)	922	Alvey #2	#9	205	195	185	175	170	160	160	160	140	110	50							120	135
Bilbro, J. N.	934	Bilbro	#9	205	195	185	175	170	160	160	160	140	110	50							120	135
China, Andy	936	China	#9	205	195	185	175	170	160	160	160	140	110	50							120	135
Car, W. R.	927	Car #2	#9	205	195	185	175	170	160	160	160	140	110	50							120	135
Hodges, A. W.	924	A. W. Hodges	#9	205	195	185	175	170	160	160	160	140	110	50							120	135
O. & S. Coal Co. (Robt. Snodgrass)	886	Roberts #2	#11	205	195	185	175	170	160	160	160	140	110	50							120	135

[F. E. Doc. 41-7558; Filed, October 9, 1941; 11:29 a. m.]

temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order. Dated: September 29, 1941.

[SEAL] H. A. GRAY,  
Director.

is necessary in order to effectuate the purposes of the Act; Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 330.25 (General prices in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the

of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices, for Truck Shipment, for the coals produced by the Sugar Loaf Coal Corporation at Mine Index No. 1049, in District No. 10; and The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and No petitions of intervention having been filed with the Division in the above-entitled matter; and The Director deeming that this action

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

§ 330.25 General prices in cents per net ton for shipment into all market areas—Supplement T

#### FOR TRUCK SHIPMENTS

[Prices in cents per net ton for shipments into all market areas]

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos.																												
				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
SECTION No. 8 MADISON COUNTY Sugar Loaf Coal Corporation	1049	Sugar Loaf	6																													

[F. R. Doc. 41-7557; Filed, October 9, 1941; 11:25 a. m.]

temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order. Dated: September 29, 1941.

[SEAL] H. A. GRAY,  
Director.

essary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 330.25 (General prices in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the

Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 10, for truck shipments; and The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and No petitions of intervention having been filed with the Division in the above-entitled matter; and The Director deeming his action nec-

essary in order to effectuate the purposes of the Act;

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

[Docket No. A-1045]

#### PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 10 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES, FOR TRUCK SHIPMENT, FOR THE COALS OF THE SUGAR LOAF COAL CORPORATION, MINE INDEX NO. 1049 IN DISTRICT NO. 10

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act

[Docket No. A-1060]

#### PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 10 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 10, FOR TRUCK SHIPMENTS

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this

## TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

Note: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

## FOR TRUCK SHIPMENTS

## § 330.25 General prices in cents per net ton for shipment into all market areas—Supplement T

(Prices in cents per net ton for shipments into all market areas)

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos.																													
				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	
SECTION No. 4 FULTON COUNTY																																	
	1484	Brooks Bros.	5	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60															
	1476	Shinfield	5	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60															
PEORIA COUNTY																																	
	1479	Jubilee	5	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60															
SECTION No. 5 SCHUYLER COUNTY																																	
	1478	Buss Coal Co.	2	255	250	245	235	230	225	170	165	160	155	155	155	125	115	60															
	1472	Caldwell	2	255	250	245	235	230	225	170	165	160	155	155	155	125	115	60															
SECTION No. 7 VERMILION COUNTY																																	
	1475	Miller-Teller	7	240	235	230	220	215	310	170	165	160	155	155	155	125	115	60															
SECTION No. 9 PERRY COUNTY																																	
	1489	Burnett #3	6	210	205	200	190	185	180	165	145	150	145	145	145	115	105	50															
SECTION No. 10 WILLAMSON COUNTY																																	
	1481	Sunny Brook #2	5	215	215	215	200	195	190	180	160	160	150	150	150	130	130	65															

[P. R. Doc. 41-7562; Filed, October 9, 1941; 11:27 a. m.]

[Docket No. A-1064]

PART 330—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 10

ORDER GRANTING TEMPORARY RELIEF AND  
CONDITIONALLY PROVIDING FOR FINAL RE-  
LIEF IN THE MATTER OF THE PETITION OF  
DISTRICT BOARD NO. 10 FOR THE ESTAB-  
LISHMENT OF PRICE CLASSIFICATIONS AND  
MINIMUM PRICES FOR TRUCK SHIPMENT  
FOR THE COALS OF THE STARVED ROCK CLAY  
COMPANY (MINE INDEX NO. 1486) IN DIS-  
TRICT NO. 10

An original petition, pursuant to sec-  
tion 4 II (d) of the Bituminous Coal Act

of 1937, having been duly filed with this  
Division by the above-named party, re-  
questing the establishment, both tem-  
porary and permanent, of price classi-  
fications and minimum prices for truck  
shipment for the coals of the Starved  
Rock Clay Company (Mine Index No.  
1486) in District No. 10; and

The Director finding that a reasonable  
showing of necessity has been made for  
the granting of temporary relief in the  
manner hereinafter set forth; and  
No petitions of intervention having  
been filed with the Division in the above-  
entitled matter; and  
The Director deeming his action neces-

sary in order to effectuate the purposes  
of the Act;

Now, therefore, it is ordered, That,  
pending final disposition of the above-  
entitled matter, temporary relief be, and  
the same hereby is, granted as follows:  
Commencing forthwith, § 330.25 (Gen-  
eral prices in cents per net ton for ship-  
ment into all market areas) is amended  
by adding thereto supplement T, which  
supplement is hereinafter set forth and  
hereby made a part hereof.

It is further ordered, That pleadings  
in opposition to the original petition in  
the above-entitled matter and applica-  
tions to stay, terminate or modify the

temporary relief herein granted may be  
filed with the Division within forty-five  
(45) days from the date of this Order,  
pursuant to the Rules and Regulations  
Governing Practice and Procedure before  
the Bituminous Coal Division in Proceed-  
ings Instituted Pursuant to section 4 II  
(d) of the Bituminous Coal Act of 1937.  
It is further ordered, That the relief  
herein granted shall become final sixty  
(60) days from the date of this Order,  
unless the Director shall otherwise order.  
Dated: September 29, 1941.

[SEAL]

H. A. GRAY,  
Director.

## TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

**NOTE:** The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

## FOR TRUCK SHIPMENTS

## § 330.25 General prices in cents per net ton for shipment into all market areas—Supplement T

[Prices in cents per net ton for shipments into all market areas]

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos.																													
				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	
SECTION No. 2 LASALLE COUNTY Starved Rock Clay Company (Harold J. Schaefer).....	1486	Starved Rock Clay Co.....	2	325	320	315	305	300	295	240	285	205	200	200	170	160	105																

[F. R. Doc. 41-7567; Filed, October 9, 1941; 11:23 a. m.]

[Docket Nos. A-1048 and A-1052]

PART 331—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 11

ORDER OF CONSOLIDATION AND ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS PRODUCED FOR TRUCK SHIPMENTS BY CERTAIN MINES IN DISTRICT NO. 11, AND IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS PRODUCED FOR TRUCK SHIPMENT BY THE SYCAMORE NO. 26 MINE, (MINE INDEX NO. 1294) OF THE MAUMEE COLLIERIES COMPANY, IN DISTRICT NO. 11

Original petitions having been duly filed with this Division by the abovenamed party, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 11; and It appearing to the Director that the above-entitled matters raise similar and related issues; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with this Division in the above-entitled matters; and

The Director deeming his action nec-

essary in order to effectuate the purposes of the Act;

It is ordered, That the above-entitled matters be, and the same hereby are, consolidated.

It is further ordered, That, pending final disposition of the above-entitled matters, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith § 331.24 (General prices in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petitions in the above-entitled matters, and applications to stay, terminate, or modify the

temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless the Director shall otherwise order.

Dated: September 30, 1941.

[SEAL]

H. A. GRAY,  
Director.

## TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

## FOR TRUCK SHIPMENTS

## § 331.24 General prices in cents per net ton for shipment into all market areas—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos.																													
				1	2	3	4	5	6	7	8	9	10, 11, 12	13	14	15	16	17	18, 19, 20	21	22	23	24	25	26	27	28, 29	30	31	32, 33	34		
OREGON COUNTY	1294	Sycamore 26	6	275	270	265	260	255	250	225	220	180	185	175	170	135	125	70	40	185	180	185	175	175	165	135	145	135	105				
FIRE COUNTY	182 155	Jerrell Johnson	5	250	245	240	230	225	220	230	180	185	175	170	150	140	85	55															
				250	245	240	230	225	220	180	185	175	170	150	140	85	55																
SULLIVAN COUNTY	150	Pine Ridge	6	275	270	265	260	255	250	225	220	180	185	175	170	135	125	70	40														
VIGO COUNTY	153 154	Deep Rock Graham & Hooker	3	240	235	230	220	215	210	210	170	175	170	165	135	125	70	40															
				240	235	230	220	215	210	170	175	170	165	135	125	70	40																

[F. R. Doc. 41-7563; Filed, October 9, 1941; 11:27 a. m.]

[Docket No. A-1018]

## PART 332—MINIMUM PRICE SCHEDULE,

DISTRICT NO. 12

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 12 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 12

An original petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for certain coals produced in District No. 12; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with this Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 332.2 (Alphabetical list of code members) is amended by adding thereto Supplement R, and § 332.24 (General prices in cents per net ton for shipment into all market areas) is amended

ment into all market areas) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

No price classifications or minimum prices are established herein for the coals of Mine Index Nos. 742, 764, 753, 754 and 755, for truck shipments, for the reasons set forth in the Order severing that portion of Docket No. A-1018 which relates to the establishment of such price classifications and minimum prices from the remainder of the docket, designating such portion as Docket No. A-1018 Part II, granting temporary relief therein and setting Docket No. A-1018 Part II for hearing.

It is further ordered, That pleading in

opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: September 11, 1941.

[SEAL]

H. A. GRAY,  
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 12

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 332, Minimum Price Schedule for District No. 12 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 332.2 *Alphabetical list of code members—Supplement R*

(Listing of code members, mines, mine index numbers and mine origin groups (for delivery by railroad))

Mine index No.	Code member	Mine	Mine origin group	Mine origin group No.
764	Blue Goose Coal Co. (Everett Green)	Blue Goose	Hamilton	36
765	Dunreath Coal Co. (M. B. McConville)	Flagler #2	Flagler	36
767	Haney, W. J. (Haney Coal Co.)	Owens	Hamilton	36
466	Owens Coal Co. (Rendell Owens)	Owens	Flagler & Knoxville	69
755	Pewee Coal Co. (elo Chas. Brady)	Pewee No. 2	Bussey & Hamilton	56
49	Ramsay-Collins Fuel Co. (Ray A. Collins)	Ramsay-Collins	Harvey & Knoxville	68

\* Indicates mines shipping via public sidings and ramps for railway delivery.

FOR TRUCK SHIPMENTS

§ 332.24 *General prices in cents per net ton for shipment into all market areas—Supplement T*

(Prices in cents per net ton for shipment into all market areas)

Code member index	Mine name	Mine No.	Group No.	County	Standard lump	Egg 8x2, 6x2	Small egg 4x2, 3x1 1/2	Mine run	Nut 2 x 1 1/4	Dom. 1 x 9/16	Screenings 2"	Ind. stock 1 1/4 x 0	3/4" x 0
Apple Grove Coal Co. (John O. Hall)	Apple Grove	768	18	Marion	300	290	280	270	270	270	270	270	100
Beaumont & Stinton (John Stinton)	No. 1	762	25	Warren	370	360	350	340	330	325	320	320	100
Benson	Benson	738	32	Webster	395	385	375	365	355	350	340	330	100
Derrig, John	Derrig Coal Co.	761	32	Webster	395	385	375	365	355	350	340	330	100
Dunreath Coal Co. (M. B. McConville)	Flagler #2	765	19	Marion	310	300	290	280	270	270	270	270	100
Fall, John (Fall Coal Co.)	No. 2	766	18	Marion	300	290	280	270	270	270	270	270	100
French, Nemie (X 1 Coal Co.)	X 1 Coal	732	18	Marion	300	290	280	270	270	270	270	270	100
Gray & Hoover (Orin Gray)	Gray & Hoover	759	32	Webster	395	385	375	365	355	350	340	330	100
Haney, W. J. (Haney Coal Co.)	No. 2	767	18	Marion	300	290	280	270	270	270	270	270	100
Karsten Coal Co. (John Karsten)	Karsten	763	24	Koekuk	325	315	305	295	275	275	275	275	100
Lumsden, Robert	Lumsden	760	32	Webster	395	385	375	365	355	350	340	330	100
Vickroy, John (Sunny Slope Coal Co.)	Sunny Slope	756	17	Warren	310	300	290	280	270	270	270	270	100

(F. R. Doc. 41-7569; Filed, October 9, 1941; 11:29 a. m.)

No. 200—3

(Docket No. A-10561)

PART 334—MINIMUM PRICE SCHEDULE, DISTRICT NO. 14

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF CHAS. MARTIN, A CODE MEMBER IN DISTRICT NO. 14, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS, FOR SHIPMENT BY RAIL, PRODUCED AT THE MARTIN MINE (MINE INDEX NO. 401) IN DISTRICT NO. 14

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named person, a code member in District No. 14, requesting the establishment of additional price classifications for the coals, for shipment by rail, produced at the Martin Mine (Mine Index No. 401) in District No. 14; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

[SEAL] H. A. GRAY,  
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 14

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 334, Minimum Price Schedule for District No. 14 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 334.5 *Alphabetical list of code members—Supplement R*

(Alphabetical list of code members showing price classification by size group for all uses except railroad locomotive fuel)

Mine index No.	Code member	Mine name	Production group No.	Shipping point	Relief group No.	Price classification by size group
401	Martin, Chas. (Chas. Martin Coal Co.)	Martin	2	Alto, Ark.	14	
						1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20
						D B Q

(F. R. Doc. 41-7561; Filed, October 9, 1941; 11:27 a. m.)

[Docket No. A-489]

PART 336—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 16

ORDER GRANTING FINAL RELIEF IN THE MATTER OF THE PETITION OF THE BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 16, FOR THE MODIFICATION OF EFFECTIVE MINIMUM PRICES HERETOFORE ESTABLISHED FOR THE COALS PRODUCED IN DISTRICT NO. 16 IN SIZE GROUPS 4 AND 6 AND FOR THE MODIFICATION OF THE SIZE LIMITATIONS OF COALS PRODUCED IN DISTRICT NO. 16 IN SIZE GROUP 4

A petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division, by District Board 16, seeking a change in the description of Size Group 4 from "plus 8" x 2 1/2" to "8" x 4" and a modification of the prices applicable to Size Groups 4 and 6 so that for all mines in District 16, Size Group 4 shall be priced 25 cents higher, and Size Group 6, 20 cents lower, than the presently effective minimum prices applicable to Size Group 5;

A hearing having been held before a duly designated Examiner of the Bituminous Coal Division, at a hearing room of the Division, Denver, Colorado;

The parties to this proceeding having waived the preparation and filing of a report by the Examiner, and the matter thereupon having been submitted to the undersigned;

The Director having made Findings of Fact and Conclusions of Law, and having rendered an Opinion in this matter, which are filed herewith:<sup>1</sup>

It is ordered, That § 336.4 (Size group table), § 336.5 (General prices; minimum prices, via rail transportation), and § 336.21 (General prices) in the Schedule of Effective Minimum Prices for District No. 16 For All Shipments be, and the same hereby is, amended as follows:

(a) The description of Size Group 4 is revised and amended to read as follows:

## § 336.4 Size group table

Size group No.	Maximum top screen opening	Maximum bottom screen opening
4 Egg.....	8"	4"

with appropriate changes to be made in § 336.4, § 336.5, and § 336.21 in said Schedule.

(b) The minimum f. o. b. mine prices for Size Groups 4 and 6, applicable to all mines in District 16 are hereby revised and established as follows:

## § 336.5 General prices; minimum prices, via rail transportation

[Minimum f. o. b. mine prices in cents per net ton for shipments via rail transportation into all market areas]

The size group designation for Size Group No. 4 has been changed to read

<sup>1</sup> Not filed as part of the original document.

8" x 4" instead of Plus 8" x Plus 2 1/2". Prices for Size Groups 4 and 6 have been changed as follows [changes underscored] for Subdistricts Nos 1, 2, 4, 6, 8, 9, 10 and 11.

Subdistrict	Size Group 4 (8" x 4" egg)	Size Group 6 (4" x 2 1/4" nut)
No. 1—Louisville.....	440	395
No. 2—Lafayette.....	440	395
No. 4—Marshall #2 (Crown Mine).....	440	395
No. 6—Erie.....	390	345
No. 8—Frederick (Grant Mine).....	380	335
(Russell Mine).....	370	325
(Morrison Mine).....	372 1/2	327 1/2
No. 9—El Paso.....	380	335
No. 10—Jefferson.....	345	300
No. 11—Jackson (Moore Mine).....	240	---

## TRUCK SHIPMENTS

## § 336.21 General prices

[Prices in cents per net ton for shipments into all market areas]

The size group designation of Size Group No. 4 has been changed to read 8" x 4" instead of Plus 8" x Plus 2 1/2". Prices for Size Groups 4 and 6 have been changed as follows—changes underscored—for all Subdistricts:

Subdistrict	Size group 4 8" x 4"	Size group 6 4" x 2 1/4"
No. 1—Louisville.....	490	445
No. 2—Lafayette.....	490	445
No. 3—Marshall #1.....	465	420
No. 4—Marshall #2.....	450	405
Crown Mine.....	450	405
No. 5—Marshall #3.....	440	395
No. 6—Erie.....	440	395
No. 7—Marshall #4.....	430	385
No. 8—Frederick.....	430	385
Grant Mine.....	420	375
Russell Mine.....	420	375
Morrison Mine.....	422 1/2	377 1/2
No. 9—El Paso.....	430	385
No. 10—Jefferson.....	395	350
No. 11—Jackson.....	290	---
Moore Mine.....	390	---
Marr Mine.....	345	300
No. 12—LaSalle.....	---	---

NOTE: The above minimum prices for LaSalle subdistrict No. 12 will take the same reductions prayed for in Docket A-262, when and if granted by Director.

Dated: October 4, 1941.

[SEAL] H. A. GRAY,  
Director.

[F. R. Doc. 41-7610; Filed, October 10, 1941; 10:34 a. m.]

[Docket No. A-261]

PART 343—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 23

ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 23 FOR MODIFICATION IN SIZE GROUP DESCRIPTIONS OF SIZE GROUPS 4, 11, 14 AND 16 AND MODIFICATION AND CHANGE IN THE EFFECTIVE MINIMUM PRICES FOR SUBDISTRICTS "C", "D", "E", "F", "G" AND "I" OF DISTRICT NO. 23

A petition having been filed with the Bituminous Coal Division by District No.

23, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, seeking (1) changes in Size Group descriptions for Size Groups 4, 11, 14, and 16; (2) revision of effective minimum prices applicable to coals in Size Groups 1, 2, 3, 8, 15, 16, 21, and 23, produced in Subdistrict C, Southwest Washington; (3) revision of effective minimum prices applicable to the coals of Subdistrict D, Bellingham Field, in Size Groups 3 and 12; (4) revision of effective minimum prices applicable to the coals of Subdistrict E, McKay-Lawson, in Size Group 14; (5) revision of effective minimum prices applicable to the coals of the Pacific Coast Coal Company, New Black Diamond Mine, and to the coals of the Strain Coal Co., Newcastle Mine, both of Subdistrict F, Renton; (6) revision of effective minimum prices applicable to the coals of Subdistrict G, Cumberland, in Size Groups 2 and 11; and (7) revision of effective minimum prices applicable to the coals of Subdistrict I, Alaska, in Size Groups 4 and 19.

A hearing having been held, after due notice to all interested persons, on January 22 and 23, 1941, before Thurlow G. Lewis, a duly designated Examiner of the Bituminous Coal Division, at a hearing room of the Division, the Federal Building, Seattle, Washington, at which all parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard.

At the conclusion of the hearing, all parties having waived the preparation and filing of a report by the Examiner, and the matter thereupon having been submitted to the Director;

The Director, on April 2, 1941, 6 F.R. 1802, having granted temporary relief pending final disposition of the matters presented by the petition, in so far as a reasonable showing of the necessity for such relief had been made;

The Director having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;<sup>1</sup>

Now, therefore, it is ordered, That, effective fifteen (15) days from the date of this Order, § 343.2 (Size group table), § 343.5 (General prices; minimum prices for shipment via rail transportation) and § 343.21 (General prices) in the Schedule of Effective Minimum Prices for District No. 23 for All Shipments shall be, and they hereby are amended as follows:

§ 343.2 Size group table. (1) Descriptions of Size Groups 4, 11, 14, and 16 are changed to read as follows:

Size group No.	Single screened sizes, maximum screen opening	Double screened sizes	
		Maximum top screen opening	Maximum bottom screen opening
4.....	Lump 1"	---	---
11.....	---	2 1/4" x 1"	---
14.....	---	1 1/4" x 1"	---
16.....	---	1" x 3/4"	---

<sup>1</sup> Not filed as part of the original document.

(2) Minimum prices applicable to the coals of Subdistrict C, Southwest Washington, in Size Groups 1, 2, 3, 8, 15, 16, 21 and 23, are changed to read as follows:

**§ 343.5 General prices; minimum prices for shipment via rail transportation**

[Minimum f. o. b. mine prices in cents per net ton for shipment via rail transportation into market areas shown]

Market areas	Size groups							
	1	2	3	8	15	16	21	23
Subdistrict C, S.W. Washington:								
238.....	385	340	315	325	235	235	235	185
240.....	390	350	325	300	190	190	190	110
243.....	385	305	280	325	235	235	235	185
247.....	385	375	350	325	200	200	200	150
253.....	385	375	350	325	185	185	185	135
All other.....	385	375	350	325	225	225	225	175

**§ 343.21 General prices**

[Truck shipment prices in cents per net ton for shipment into all market areas]

Subdistrict C, S.W. Washington	Size Groups							
	1	2	3	8	15	16	21	23
	410	400	375	350	250	250	250	200

(3) By adding minimum prices applicable to the coals of Subdistrict D, Bellingham Field, in Size Group 12, to read as follows:

**§ 343.5 General prices; minimum prices for shipment via rail transportation**

[Minimum f. o. b. mine prices in cents per net ton for shipment via rail transportation into market areas shown]

Subdistrict D, Bellingham:	Size group No. 12
238.....	375
243.....	375
247.....	335
248.....	375
All Other.....	375

**§ 343.21 General prices**

Truck shipment prices in cents per net ton for shipment into all market areas

Subdistrict D, Bellingham.....	Size group No. 12
	425

(4) **§ 343.5 General prices; minimum prices for shipment via rail transportation.**

**§ 343.21 General prices.**

The minimum price applicable to the coals of Subdistrict I, Alaska, in Size Group 19, for shipment via rail and via truck into all market areas is reduced to \$4.00 per ton.

(5) **§ 343.5 General prices; minimum prices for shipment via rail transportation.**

**§ 343.21 General prices.**

A minimum f. o. b. mine price of \$4.25 per ton is established for the coals of Subdistrict I, Alaska, in Size Group 4, for shipment via rail and via truck into all market areas.

It is further ordered, That in all other respects the relief prayed for in the petition herein be, and it hereby is denied.

It is further ordered, That, effective fifteen (15) days from the date of this Order, the Order of the Director, dated April 2, 1941, granting temporary relief herein, shall be rescinded and revoked.

Dated: October 7, 1941.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 41-7611; Filed, October 10, 1941; 10:35 a. m.]

**TITLE 31—MONEY AND FINANCE:  
TREASURY**

**CHAPTER I—MONETARY OFFICES,  
DEPARTMENT OF THE TREASURY**

**PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO**

**GENERAL LICENSE NO. 1A UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.**

OCTOBER 9, 1941

**§ 131.1a General license No. 1A.** A general license is hereby granted authorizing transactions ordinarily incident to the transfer of securities from a blocked account in the name of any person to a blocked account in the same name in a domestic bank, provided both of the following terms and conditions are complied with:

(a) Such securities shall not be transferred from any blocked account in a domestic bank; and

(b) Such securities shall not be transferred from any other blocked account if such transfer represents, directly or indirectly, a transfer of the interest of a blocked country or national thereof to any other country or person. (Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; Ex. Order 8389, April 10, 1940, as amended by Ex. Order 8785, June 14, 1941, and Ex. Order 8832, July 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941.)

[SEAL]

E. H. FOLEY, Jr.,  
Acting Secretary of the Treasury.

[F. R. Doc. 41-7617; Filed, October 10, 1941; 11:39 a. m.]

**PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO**

**GENERAL LICENSE NO. 2, AS AMENDED, UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.**

OCTOBER 9, 1941.

General License No. 2<sup>1</sup> is amended to read as follows:

<sup>1</sup> 6 F.R. 3214.

**§ 131.2 General license No. 2.** (a) A general license is hereby granted:

(1) Authorizing any banking institution within the United States to debit any blocked account with such banking institution (or with another office within the United States of such banking institution) in payment or reimbursement for normal service charges owed to such banking institution by the owner of such blocked account;

(2) Authorizing any banking institution within the United States to make book entries against any foreign currency account maintained by it with a banking institution in any blocked country for the purpose of responding to debits to such account for normal service charges in connection therewith.

(b) Any banking institution within the United States which during any quarterly period makes any entries to any account in an aggregate amount in excess of \$25 under the authority of this general license shall file promptly with the appropriate Federal Reserve Bank a report showing the name of such account and the aggregate amount of the entries to such account under the authority of this general license during such quarterly period.

(c) As used in this general license, the term "normal service charges" shall include charges in payment or reimbursement for interest due; cable, telegraph, or telephone charges; postage costs; custody fees; small adjustment charges to correct bookkeeping errors; and, but not by way of limitation, minimum balance charges, account carrying charges, notary and protest fees, and charges for reference books, photostats credit reports, transcripts of statements, registered mail insurance, stationery and supplies, checkbooks, and other similar items. (Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; Ex. Order 8389, April 10, 1940, as amended by Ex. Order 8785, June 14, 1941, and Ex. Order 8832, July 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941.)

[SEAL]

E. H. FOLEY, Jr.,  
Acting Secretary of the Treasury.

[F. R. Doc. 41-7618; Filed, October 10, 1941; 11:39 a. m.]

**PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO**

**AMENDMENT OF GENERAL LICENSE NO. 53 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.\***

OCTOBER 9, 1941.

The definition of the term "generally licensed trade area" appearing in section (3) (a) of § 131.53 General license No.

53<sup>1</sup> is hereby amended in the following respects:

The word "and" is deleted in item (vii);

A semi-colon is substituted for the period in item (viii); and

The following items are added to the end thereof:

(ix) Syria and Lebanon; and

(x) (1) French Equatorial Africa, including the Cameroons; (2) New Caledonia; (3) Tahiti; (4) the French Establishments in India. (Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, and E.O. 8832, July 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] E. H. FOLEY, Jr.,  
Acting Secretary of the Treasury.

[F. R. Doc. 41-7619; Filed, October 10, 1941; 11:39 a. m.]

**PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO**

GENERAL LICENSE NO. 73 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.\*

OCTOBER 9, 1941.

§ 131.73 *General license No. 73.* (a) A general license is hereby granted licensing as a generally licensed national any partnership which is a national of China and which meets all of the following conditions:

(1) the partnership has been continuously engaged in business within the continental United States since prior to June 17, 1940;

(2) the active management and control of such partnership is vested in partners within the United States who are not nationals of any blocked country (or are licensed as generally licensed nationals);

(3) since prior to June 17, 1940, no partner in such partnership has been a national of any blocked country other than China.

(b) This general license shall not be deemed to license as a generally licensed national any partnership which is a national of any blocked country other than China.

(c) All partnerships licensed herein as generally licensed nationals shall file with the appropriate Federal Reserve Bank within thirty days after the date hereof a report in triplicate setting forth: (1) the name and address of the partnership; (2) the name, address and nationality of each partner; and (3) a statement that the partnership is licensed as a generally licensed national

\* 6 F.R. 2897, 3946.

under this general license. Any partnership not complying with this requirement is not authorized to engage in any transaction under this general license.

(d) Reports on Form TFR-300 are not required to be filed with respect to the property interests of any partnership licensed herein as a generally licensed national. (Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, and E.O. 8832, July 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941.)

[SEAL] E. H. FOLEY, Jr.,  
Acting Secretary of the Treasury.

[F. R. Doc. 41-7620; Filed, October 10, 1941; 11:40 a. m.]

**PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO**

GENERAL LICENSE NO. 74 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.\*

OCTOBER 9, 1941.

§ 131.74 *General license No. 74.* (a) A general license is hereby granted authorizing payments and transfers of credit from blocked accounts in domestic banks for the necessary personal expenses within the United States of any citizen of the United States who is within any foreign country, and for the personal expenses within the United States of the family of such citizen, provided that the following terms and conditions are complied with:

(1) Such payments and transfers are made only from blocked accounts in the name of, or in which the beneficial interest is held by, such citizen or his family;

(2) The total of all such payments and transfers made under this general license does not exceed \$500 in any one calendar month for any such citizen or his family.

(b) This general license shall not be deemed to authorize any payment or transfer of credit which could not be effected without a license if such citizen were a generally licensed national.

(c) Domestic banks making any such payment or transfer shall satisfy themselves that the foregoing terms and conditions are complied with and shall file promptly with the appropriate Federal Reserve Bank separate monthly reports in triplicate on Form TFR-111 respecting the transactions for the account of each such citizen. (Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, and E.O. 8832, July 26, 1941; Regulations, April 10,

1940, as amended June 14, 1941, and July 26, 1941.)

[SEAL] E. H. FOLEY, Jr.,  
Acting Secretary of the Treasury.

[F. R. Doc. 41-7621; Filed, October 10, 1941; 11:40 a. m.]

**TITLE 32—NATIONAL DEFENSE**

**CHAPTER XI—OFFICE OF PRICE ADMINISTRATION**

**PART 1304—IRON AND STEEL SCRAP**

**AMENDMENT OF PRICE SCHEDULE NO. 4—IRON AND STEEL SCRAP**

§ 1304.17 *Appendix B, maximum prices for iron and steel scrap originating from railroads.* of Price Schedule No. 4 is hereby amended by adding to Sub-paragraph A of Paragraph I thereof the following Basing Point:

Basing points	No. 1 railroad grade heavy melting steel	Scrap rails	Rails for re-rolling*	Scrap rails three feet and under	Scrap rails two feet and under	Scrap rails eighteen inches and under
Cincinnati, O.	20.50	21.50	23.00	23.50	23.75	24.00

This Amendment shall become effective on the 10th day of October 1941. (E.O. Nos. 8734, 8875; 6 F.R. 1917, 4483) Issued this 10th day of October 1941.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 41-7612; Filed, October 10, 1941; 10:43 a. m.]

**PART 1335—CHEMICALS**

**PRICE SCHEDULE NO. 31—ACETIC ACID**

**Correction**

The table appearing in paragraph (a) of § 1335.210 in the third column on page 4886 of the issue for Thursday, September 25, 1941 (F.R. Doc. 41-7135, filed, September 24, 1941, at 11:09 a. m.), is corrected to read as follows:

	Per hundred pounds delivered
Wood origin.....	\$7.25
Other origin.....	6.25

\* Freight in excess of 32 cents per hundred pounds may be charged to buyer.

**TITLE 49—TRANSPORTATION AND RAILROADS**

**CHAPTER I—INTERSTATE COMMERCE COMMISSION**

**SUBCHAPTER A—GENERAL RULES AND REGULATIONS**

**PART 10—STEAM ROADS: UNIFORM SYSTEM OF ACCOUNTS**

Orders of the Interstate Commerce Commission modifying the Classification

\* 6 F.R. 2986, 4615, 4876.

of Income, Profit and Loss, General Balance Sheet Accounts for Steam Roads, Classifications of Operating Revenues and Operating Expenses; Income, Profit and Loss, General Balance Sheet Accounts, and Accounting Bulletin No. 15, for Steam Roads effective January 1, 1942 were filed with the Division of the FEDERAL REGISTER, October 10, 1941 at 10:47 A. M., F.R. Doc. Nos. 41-7613 and 41-7614. Requests for copies may be addressed to the Interstate Commerce Commission.

## Notices

### WAR DEPARTMENT.

[No. W 535 ac-19848; 5169]

#### SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: GENERAL MOTORS CORPORATION (DELCO PRODUCTS DIVISION) DAYTON, OHIO

Contract for \* \* \* Strut Assemblies, Landing Gear Shock Absorber.

Amount: \$1,174,250.00.

Place: Materiel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority AC 28 P 82-30 A 0705-12, the available balance of which is sufficient to cover cost of same.

This contract,<sup>1</sup> entered into this 15th day of August 1941.

**Scope of this contract.** The contractor shall furnish and deliver to the Government \* \* \* Strut Assemblies Landing Gear Shock Absorber for the consideration stated one million one hundred seventy-four thousand two hundred fifty dollars (\$1,174,250.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

**Changes.** Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

**Delays—Damages.** If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

**Payments.** The contractor shall be paid, upon the submission of properly

certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

**Price adjustment.** The contract prices stated in this contract for \* \* \* Strut Assemblies are subject to adjustments for changes in labor and material costs.

**General.** It is expressly agreed that quotas for labor will not be altered on account of delays in the completion of the \* \* \* Strut Assemblies.

**Termination when contractor not in default.** If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under section 1 (a), Act of July 2, 1940 and section 9, Act of June 30, 1941.

FRANK W. BULLOCK,  
Lieut. Col., Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-7588; Filed, October 10, 1941; 9:43 a. m.]

[Contract No. W 535 ac-20665; 5425]

#### SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: HOMELITE CORPORATION, PORT CHESTER, NEW YORK

Contract for: \* \* \* Generators, Gasoline Engine driven and data therefor.

Amount: \$2,141,298.00.

Place: Materiel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authorities AC 299 P 111-30 A 0021-13; AC 32 P 12-30 A 0705-2; and AC 17 P 81-30 A 0705-2 the available balances of which are sufficient to cover cost of same.

This contract<sup>1</sup> entered into this 21st day of August 1941.

**Scope of this contract.** The contractor shall furnish and deliver to the Government \* \* \* Generators, Gasoline Engine driven and data therefor for the consideration stated two million, one hundred forty-one thousand, two hundred ninety eight dollars (\$2,141,298.00) in strict accordance with the specifica-

tions, schedules and drawings, all of which are made a part hereof.

**Changes.** Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

**Delays—damages.** If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

**Payments.** The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

**Discount.** All or any payments made under the terms of this contract shall be subject to a discount of \* \* \* of the amount or amounts stipulated if payment of the invoice is made within ten (10) calendar days after date of delivery of articles invoiced.

**Option.** The Government is granted the right at any time during the life of this contract to increase the quantity of supplies called for herein to an additional amount of \* \* \* units of said generators at not more than the unit price for the articles called for by this contract.

**Advance payments.** Advance payments may be made from time to time for the supplies called for, when the Secretary of War deems such action necessary in the interest of the national defense: *Provided, however,* That the total amount of money so advanced shall not exceed thirty (30) percentum of the contract price of the articles called for, and that such advances if made shall be upon such terms and conditions and with such adequate security as the Secretary of War shall prescribe.

**Termination when contractor not in default.** If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

<sup>1</sup> Approved by the Under Secretary of War, August 28, 1941.

<sup>1</sup> Approved by the Under Secretary of War August 30, 1941.

This contract authorized under the provisions of section 1 (a), Act of July 2, 1940 and section 9, Act of June 30, 1941.

FRANK W. BULLOCK,  
Lieut. Col., Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-7590; Filed, October 10, 1941;  
9:44 a. m.]

[Contract No. W 535 ac-261]

**SUMMARY OF COST-PLUS-A-FIXED-FEE  
SUPPLY CONTRACT**

CONTRACTOR: THE EMERSON ELECTRIC MANUFACTURING COMPANY

Contract for: \* \* \* Turret Assemblies, Mock-ups and Data.

Estimated cost: \$7,500,000.00.

Fixed fee: \$525,000.00.

The supplies and services to be obtained by this instrument are authorized by, and for the purpose set forth in, and are chargeable to the following Procurement Authority, the available balance of which is sufficient to cover the cost of the same: AC 299 P 111-30 A 0021-13.

This contract,<sup>1</sup> entered into this 26th day of August, 1941.

ARTICLE 1. *Statement of work.* The Contractor shall, within the time specified in Article 4 hereof, manufacture, furnish and deliver to the Government \* \* \* Turret Assemblies, \* \* \* Mock-ups and Data.

ART. 2. *Estimated cost:* \$7,500,000.00.

ART. 3. *Consideration.* The Government will pay the Contractor upon satisfactory delivery of all items specified in the contract, subject to payments in reimbursement for costs as outlined in Article 8 hereof, the cost, plus a fixed fee of five hundred twenty-five thousand dollars (\$525,000.00).

ART. 7. *Changes.* The Contracting Officer may, at any time, by a written order and without notice to the sureties, make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by the contract.

ART. 8. *Payments—(a) Reimbursement for cost.* The Government will currently reimburse the Contractor for such expenditures made in accordance with Article 3 as may be approved or ratified and upon certification to and verification by the Contracting Officer of the original signed payrolls for labor, the original paid invoices for materials or other original papers.

(b) *Payment of the fixed fee.* Ninety percent (90%) of the fixed fee set forth in paragraph (a) of Article 3 hereof, shall be paid as it accrues, in monthly installments. Upon completion of the work and its final acceptance, any unpaid balance of the fee, including the

additions thereto, if any, to which the Contractor may be entitled, as provided in said paragraph (a) of Article 3, shall be paid to the Contractor.

ART. 20. *Fire insurance.* The Contractor agrees, unless and until otherwise directed in writing by the Contracting Officer, to insure against fire all property in its possession upon which an advance payment or a payment in reimbursement for costs is about to be made, such insurance to be in a sum at least equal to the amount of such payment plus all other advance payments or payments in reimbursement of costs, if any, theretofore made thereon, and further agrees to keep such property so insured until the same is delivered to the Government.

ART. 21. *Title to property.* The title to all work under this contract, completed or in the course of manufacture or assembly at the Contractor's plant, shall be in the Government. Upon deliveries at the Contractor's plant, or at an approved storage site, title to all purchased materials, parts, assemblies, sub-assemblies, tools, machinery, equipment and supplies, for which the Contractor shall be entitled to be reimbursed hereunder, shall vest in the Government.

ART. 28. *Termination of contract by Government.* Should the Contractor at any time refuse, neglect, or fail to prosecute the work with promptness and diligence, or default in the performance of any of the agreements herein contained, or should conditions arise which make it advisable or necessary in the interest of the Government that work be discontinued under this contract, the Government may terminate this contract by a notice in writing from the Contracting Officer to the Contractor.

ART. 33. *Advance payments.* Advance payments may be made from time to time for the supplies called for, when the Secretary of War deems such action necessary in the interest of National Defense: *Provided, however,* That the total amount of money so advanced shall not exceed 30 per centum of the contract price of the articles called for, and that such advances, if made, shall be upon such terms and conditions and with such adequate security as the Secretary of War shall prescribe.

ART. 37. *Option.* The Government is granted the right and option at any time prior to \* \* \* to increase the quantity of articles called for under the terms of Article 1 of this contract to any quantity up to and including \* \* \* additional articles, and in the event of the exercise of this option, the unit price of each article furnished, not exceeding the maximum quantity hereinbefore set forth, shall be subject to negotiation.

FRANK W. BULLOCK,  
Lieut. Col., Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-7591; Filed, October 10, 1941;  
9:44 a. m.]

[Contract No. W 535 ac-21202; 5583]

**SUMMARY OF CONTRACT FOR SUPPLIES**

CONTRACTOR: FOLMER GRAFLEX CORPORATION,  
ROCHESTER, NEW YORK

Contract for \* \* \* Cameras & Data.

Amount: \$4,297,752.00.

Place: Matériel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority AC 32 P 12-30 A 0705-2, the available balance of which is sufficient to cover cost of same.

This contract,<sup>1</sup> entered into this 21st day of August 1941.

ARTICLE 1. *Scope of this contract.* The contractor shall furnish and deliver to the Government \* \* \* Cameras & Data for the consideration stated four million two hundred ninety seven thousand seven hundred fifty two dollars (\$4,297,752.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

ART. 2. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART. 5. *Delays—Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

ART. 8. *Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

ART. 21. *Advance payments.* Advance payments may be made from time to time for the supplies called for, when the Secretary of War deems such action necessary in the interest of the National Defense: *Provided, however,* That the total amount of money so advanced shall not exceed 30 percentum of the contract

<sup>1</sup> Approved by the Under Secretary of War Sept. 6, 1941.

<sup>1</sup> Approved by the Under Secretary of War September 10, 1941.

price of the articles called for, and that such advances, if made, shall be upon such terms and conditions and with such adequate security as the Secretary of War shall prescribe.

ART. 25. *Termination when contractor not in default.* If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of Section 1 (a) Act of July 2, 1940 and Section 9, Act of June 30, 1941.

FRANK W. BULLOCK,  
Lieut. Col., Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-7587; Filed, October 10, 1941;  
9:42 a. m.]

[Contract No. W 535 ac-263]

#### SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: GENERAL MOTORS CORPORATION,  
ALLISON DIVISION, INDIANAPOLIS, IN-  
DIANA

Contract for: Maintenance Parts for  
Allison Type \* \* \* Aeronautical  
Engines.

Amount: \$4,419,359.00.

Place: Matériel Division, Air Corps,  
U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority AC 299 P 121-12 A 0021-13, the available balance of which is sufficient to cover cost of same.

This contract,<sup>1</sup> entered into this 3rd day of September 1941.

ARTICLE 1. *Scope of this contract.* The contractor shall furnish and deliver to the Government \* \* \* Maintenance Parts for Allison Type \* \* \* Aeronautical engines for the consideration stated four million four hundred nineteen thousand three hundred fifty nine dollars (\$4,419,359.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

ART. 2. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART. 5. *Delays—Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any exten-

sion thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

ART. 8. *Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

ART. 22. *Termination when contractor not in default.* If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of Section 1 (a), Act of July 2, 1940 and Section 9, Act of June 30, 1941.

FRANK W. BULLOCK,  
Lt. Col., Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-7589; Filed, October 10, 1941;  
9:43 a. m.]

#### DEPARTMENT OF THE INTERIOR.

##### Bituminous Coal Division.

[Docket No. A-1022, A-1022 Part II]

PETITIONS OF DISTRICT BOARD NO. 3 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 3; AND FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE SCOTCH HILL MINES NOS. 76 TO 80, INCLUSIVE (MINE INDEX NOS. 296 TO 300, INCLUSIVE), SCOTCH HILL MINES NOS. 85 TO 92, INCLUSIVE (MINE INDEX NOS. 301 TO 308, INCLUSIVE) OF THE HENRY CLAY COAL MINING CO., AND AUSTEN MINES NOS. 1 TO 9, INCLUSIVE (MINE INDEX NOS. 311 TO 319, INCLUSIVE), AUSTEN MINES NOS. 15 TO 20, INCLUSIVE (MINE INDEX NOS. 320 TO 325, INCLUSIVE), AND AUSTEN MINES NOS. 25 TO 28, INCLUSIVE (MINE INDEX NOS. 326 TO 329, INCLUSIVE), OF THE UPPER ELK AND POTOMAC COAL CORPORATION IN DISTRICT NO. 3

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NO. A-1022 PART II FROM DOCKET NO. A-1022, GRANTING TEMPORARY RELIEF IN DOCKET NO. A-1022 PART II AND NOTICE OF AND ORDER FOR HEARING IN DOCKET NO. A-1022 PART II

The original petition in the above-entitled matter filed with this Division on

August 21, 1941, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requests the issuance of orders establishing temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 3.

As indicated in a separate order issued in Docket No. A-1022, a reasonable showing of necessity has been made for the granting of the relief prayed for by petitioner except with respect to the establishment of permanent price classifications and minimum prices for the coals of the Scotch Hill Mines Nos. 76 to 80, inclusive (Mine Index Nos. 296 to 300, inclusive), Scotch Hill Mines Nos. 85 to 92, inclusive (Mine Index Nos. 301 to 308, inclusive) of the Henry Clay Coal Mining Company and the Austen Mines Nos. 1 to 9, inclusive (Mine Index Nos. 311 to 319, inclusive), Austen Mines Nos. 15 to 20, inclusive (Mine Index Nos. 320 to 325, inclusive), and Austen Mines Nos. 25 to 28, inclusive (Mine Index Nos. 326 to 329, inclusive), of the Upper Elk and Potomac Coal Corporation.

While it appears that temporary relief for the Scotch Hill and Austen Mines should be granted, as prayed for by the petitioner, the Director is of the opinion that the original petitioner has not set forth sufficient facts to warrant the establishment of permanent price classifications and minimum prices for these coals.

Now, therefore, it is ordered, That the portion of Docket No. A-1022 relating to the Scotch Hill Mines Nos. 76 to 80, inclusive (Mine Index Nos. 296 to 300, inclusive), Scotch Hill Mines Nos. 85 to 92, inclusive (Mine Index Nos. 301 to 308, inclusive), Austen Mines Nos. 1 to 9, inclusive (Mine Index Nos. 311 to 319, inclusive), Austen Mines Nos. 15 to 20, inclusive (Mine Index Nos. 320 to 325, inclusive), and Austen Mines Nos. 25 to 28, inclusive (Mine Index Nos. 326 to 329, inclusive), be and the same hereby is severed from the remainder of Docket No. A-1022 and designated as Docket No. A-1022 Part II.

It is further ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the Schedules of Effective Minimum Prices for District No. 3, For All Shipments Except Truck, and For Truck Shipments, are supplemented to include the price classifications and minimum prices set forth in the schedules marked "Supplement R" and "Supplement T," annexed hereto and hereby made a part hereof.

It is further ordered, That a hearing in Docket No. A-1022 Part II under the applicable provisions of said Act and the rules of the Division be held on October 27, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street, NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

<sup>1</sup> Approved by the Under Secretary of War September 13, 1941.

*It is further ordered*, That Scott A. Dahlquist or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the

recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division in proceeding (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed

or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before October 22, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board

#### TEMPORARY SUPPLEMENTS

NOTE: The material contained in this Temporary Supplement R is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Price Schedule No. 1 for this District and Supplements thereto.

#### FOR ALL SHIPMENTS EXCEPT TRUCK

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Mine index No.	Code member	Mine name	Seam	Shipping point	Railroad	Freight origin group No.	Size group Nos.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																															
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296	Henry Clay Coal Mining Co., The	Scotch Hill #76	Bakertown	Newburg, W. Va.	B. & O.	70	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G

NOTE: For railroad fuel prices add these mine index numbers to the respective groups set forth on Pages 26 and 27 in Price Schedule No. 1. Group No. 3—311, 312, 313, 314, 315, 316, 317, 318, 319; Group No. 6—296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329.

\* Mine Index Nos. 301, 302, 303, 304, 305, 306, 307, 308, 326, 327, 328, 329 shall be priced at fifteen cents above group No. 6 prices.

No. 3 for the establishment of price classifications and minimum prices for the coals of the Scotch Hill Mines Nos. 76 to 80, inclusive (Mine Index Nos. 296 to 300, inclusive), Scotch Hill Mines Nos. 85 to 92, inclusive (Mine Index Nos. 301 to 308, inclusive) of the Henry Clay Coal Mining Co., and the Austen Mines Nos. 1 to 9, inclusive (Mine Index Nos. 311 to 319, inclusive), Austen Mines Nos. 15 to 20, inclusive (Mine Index Nos. 320 to 325, inclusive) and Austen Mines Nos. 25 to 28, inclusive (Mine Index Nos. 326 to 329, inclusive) of the Upper Elk and Potomac Coal Corporation.

Dated: September 19, 1941.

[SEAL]

H. A. GRAY,

Director.

NOTE: The material contained in this Temporary "Supplement T" is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Price Schedule No. 1 for this District and Supplements thereto.

## TRUCK SHIPMENTS

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine Index No.	Mine	Seam	County	Size groups						
					Lump over 2", egg over 2", bottom size	Lump 2", egg 2", bottom size over 1 1/4"	Lump 1 1/4" and under, egg 1 1/4" and under, bottom size	All nut and pea, 3" and under	Run of mine, result-ant over 2"	1 1/4" and 2" slack	3/4" slack
					1	2	3	4	5	6	7
Henry Clay Coal Mining Co., The.	296	Scotch Hill #76	Bakerstown	Preston	235	235	235	210	210	200	190
Henry Clay Coal Mining Co., The.	297	Scotch Hill #77	Bakerstown	Preston	235	235	235	210	210	200	190
Henry Clay Coal Mining Co., The.	298	Scotch Hill #78	Bakerstown	Preston	235	235	235	210	210	200	190
Henry Clay Coal Mining Co., The.	299	Scotch Hill #79	Bakerstown	Preston	235	235	235	210	210	200	190
Henry Clay Coal Mining Co., The.	300	Scotch Hill #80 (Strip)	Bakerstown	Preston	235	235	235	210	210	200	190
Henry Clay Coal Mining Co., The.	301	Scotch Hill #81	Elk Lick	Preston	250	250	250	225	225	215	205
Henry Clay Coal Mining Co., The.	302	Scotch Hill #82	Elk Lick	Preston	250	250	250	225	225	215	205
Henry Clay Coal Mining Co., The.	303	Scotch Hill #83 (Strip)	Elk Lick	Preston	250	250	250	225	225	215	205
Henry Clay Coal Mining Co., The.	304	Scotch Hill #84	Elk Lick	Preston	250	250	250	225	225	215	205
Henry Clay Coal Mining Co., The.	305	Scotch Hill #85	Elk Lick	Preston	250	250	250	225	225	215	205
Henry Clay Coal Mining Co., The.	306	Scotch Hill #86	Elk Lick	Preston	250	250	250	225	225	215	205
Henry Clay Coal Mining Co., The.	307	Scotch Hill #87	Elk Lick	Preston	250	250	250	225	225	215	205
Henry Clay Coal Mining Co., The.	308	Scotch Hill #88	Elk Lick	Preston	250	250	250	225	225	215	205
Upper Elk & Potomac Coal Corporation.	311	Austen #1	M. V. Freeport	Preston	225	225	225	200	200	190	180
Upper Elk & Potomac Coal Corporation.	312	Austen #2	M. V. Freeport	Preston	225	225	225	200	200	190	180
Upper Elk & Potomac Coal Corporation.	313	Austen #3	M. V. Freeport	Preston	225	225	225	200	200	190	180
Upper Elk & Potomac Coal Corporation.	314	Austen #4	M. V. Freeport	Preston	225	225	225	200	200	190	180
Upper Elk & Potomac Coal Corporation.	315	Austen #5	M. V. Freeport	Preston	225	225	225	200	200	190	180
Upper Elk & Potomac Coal Corporation.	316	Austen #6	M. V. Freeport	Preston	225	225	225	200	200	190	180
Upper Elk & Potomac Coal Corporation.	317	Austen #7	M. V. Freeport	Preston	225	225	225	200	200	190	180
Upper Elk & Potomac Coal Corporation.	318	Austen #8	M. V. Freeport	Preston	225	225	225	200	200	190	180
Upper Elk & Potomac Coal Corporation.	319	Austen #9	M. V. Freeport	Preston	225	225	225	200	200	190	180
Upper Elk & Potomac Coal Corporation.	320	Austen #15	Bakerstown	Preston	235	235	235	210	210	200	190
Upper Elk & Potomac Coal Corporation.	321	Austen #16	Bakerstown	Preston	235	235	235	210	210	200	190
Upper Elk & Potomac Coal Corporation.	322	Austen #17	Bakerstown	Preston	235	235	235	210	210	200	190
Upper Elk & Potomac Coal Corporation.	323	Austen #18	Bakerstown	Preston	235	235	235	210	210	200	190
Upper Elk & Potomac Coal Corporation.	324	Austen #19	Bakerstown	Preston	235	235	235	210	210	200	190
Upper Elk & Potomac Coal Corporation.	325	Austen #20 (Strip)	Bakerstown	Preston	235	235	235	210	210	200	190
Upper Elk & Potomac Coal Corporation.	326	Austen #21	Elk Lick	Preston	250	250	250	225	225	215	205
Upper Elk & Potomac Coal Corporation.	327	Austen #22	Elk Lick	Preston	250	250	250	225	225	215	205
Upper Elk & Potomac Coal Corporation.	328	Austen #23	Elk Lick	Preston	250	250	250	225	225	215	205
Upper Elk & Potomac Coal Corporation.	329	Austen #24 (Strip)	Elk Lick	Preston	250	250	250	225	225	215	205

[F. R. Doc. 41-7556; Filed, October 9, 1941; 11:25 a. m.]

[Docket No. A-917]

PETITION OF KEYSTONE MINING COMPANY, A CODE MEMBER IN DISTRICT NO. 1, FOR THE REVISION OF THE EFFECTIVE MINIMUM PRICES FOR SIZE GROUP 3 COALS OF MINE INDEX NOS. 251 AND 451 FOR RAILROAD FUEL USE

## ORDER POSTPONING HEARING

Intervener, District Board No. 1, having moved that the hearing in the above

matter be postponed and having shown good cause why its motion should be granted; and there being no opposition thereto;

Now, therefore, it is ordered, That the hearing in the above matter be postponed from October 10, 1941, to 10 o'clock in the forenoon of November 5, 1941, at the place heretofore designated and be-

fore the officer previously designated to preside at the hearing.

Dated: October 8, 1941.

[SEAL]

H. A. GRAY,

Director.

[F. R. Doc. 41-7597; Filed, October 10, 1941; 10:30 a. m.]

[Docket No. 1862-FD]

IN THE MATTER OF ROSS A. BURD, CODE MEMBER, DEFENDANT

## NOTICE OF AND ORDER FOR HEARING

A complaint dated July 26, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on August 1, 1941, by Bituminous Coal Producers Board for District No. 19, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on November 21, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Post Office Building, Casper, Wyoming.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the

statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: Subsequent to September 30, 1940, the defendant, Ross A. Burd, 153 North Durbin, Casper, Wyoming, sold a substantial quantity of nut coal, Size Group 8, produced at his Burd Superior Mine (Spider Mine) Mine Index No. 113, located in Natrona County, Wyoming, District No. 19 to various consumers at a price of \$1.75 per ton f. o. b. the mine for truck shipment, whereas the effective minimum price for nut coal for Size Group 8 was \$2.20 per ton as set forth in the Schedule of Effective Minimum Prices for District No. 19, for truck shipment.

Dated: October 8, 1941.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 41-7598; Filed, Oct. 10, 1941;  
10:30 a. m.]

[Docket No. A-1080]

PETITION OF WILLIE DRAKE, A CODE MEMBER IN DISTRICT NO. 8, FOR REVISION OF THE EFFECTIVE MINIMUM PRICE FOR FORKED COAL PRODUCED FROM THE DRAKE MINE (MINE INDEX NO. 3307), FOR TRUCK SHIPMENT

#### NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

*It is ordered*, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on November 13, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

*It is further ordered*, That Joseph A. Huston or any other officer or officers of

the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before October 30, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of Willie Drake, a code member in District No. 8, for a reduction in the effective minimum price, from \$2.10 per ton to \$1.75 per ton, for forked coal produced from the Drake Mine (Mine Index No. 3307) for truck shipments to all market areas.

Dated: October 8, 1941.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 41-7599; Filed, October 10, 1941;  
10:30 a. m.]

[Docket No. A-1037]

PETITION OF TAYLOR CABLE, A CODE MEMBER IN DISTRICT NO. 8, FOR REVISION OF THE EFFECTIVE MINIMUM PRICE FOR FORKED COAL PRODUCED FROM THE CABLE COAL MINE (MINE INDEX NO. 3299), FOR TRUCK SHIPMENT

#### NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed

with this Division by the above-named party;

*It is ordered*, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on November 13, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

*It is further ordered*, That Joseph A. Huston or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before October 30, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of Taylor Cable, a code member in District No. 8, for a reduction in the effective minimum price, from \$2.10 per ton to \$1.75 per ton, for forked coal produced from the Cable Coal Mine (Mine Index No. 3299) for truck shipments to all market areas.

Dated: October 8, 1941.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 41-7600; Filed, October 10, 1941;  
10:30 a. m.]

[Docket No. A-1084]

PETITION OF DISTRICT BOARD NO. 8 FOR A TEMPORARY AND PERMANENT ORDER CHANGING THE CLASSIFICATION OF COALS IN SIZE GROUPS 1 TO 4 INCLUSIVE, PRODUCED BY MAHAN JELICO COAL COMPANY (MINE INDEX NO. 308) AND GATLIFF COAL COMPANY (MINE INDEX NO. 213) IN SUBDISTRICT NO. 6 IN DISTRICT NO. 8, FOR RAIL SHIPMENT, FROM "C" TO "E"

## NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

*It is ordered*, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on November 5, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

*It is further ordered*, That D. C. McCurtain or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before October 30, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 8 for preliminary, or temporary, and permanent order of change in classification from "C" to "E" for coals in Size Groups 1 to 4, inclusive, produced by Mahan Jellico Coal Company (Mine Index No. 308) and Gatliiff Coal Company (Mine Index No. 213) in Subdistrict No. 6 in District No. 8 for rail shipment.

Dated: October 8, 1941.

[SEAL]

H. A. GRAY,  
Director.[F. R. Doc. 41-7601; Filed, October 10, 1941;  
10:31 a. m.]

[Docket No. A-1085]

PETITION OF DISTRICT BOARD NO. 8 FOR A TEMPORARY AND PERMANENT ORDER CHANGING THE CLASSIFICATION OF COALS PRODUCED AT RILEY NO. 1 AND NO. 2 MINES (MINE INDEX NOS. 666 AND 667) OF BUFFALO EAGLE MINES, INCORPORATED, A CODE MEMBER IN SUBDISTRICT NO. 5 IN DISTRICT NO. 8 FOR RAIL SHIPMENT, FROM "F" TO "G" IN SIZE GROUPS 18 TO 21, INCLUSIVE, AND FROM "K" TO "L" IN SIZE GROUP 22

## NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

*It is ordered*, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on November 6, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

*It is further ordered*, That D. C. McCurtain or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of

the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before October 30, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 8 for a temporary and permanent order changing the classification of coals produced at Riley No. 1 and No. 2 Mines (Mine Index Nos. 666 and 667) of Buffalo Eagle Mines, Incorporated, a code member in Subdistrict No. 5 in District No. 8 for rail shipment, from "F" to "G" in Size Groups 18 to 21, inclusive, and from "K" to "L" in Size Group 22.

Dated: October 8, 1941.

[SEAL]

H. A. GRAY,  
Director.[F. R. Doc. 41-7602; Filed, October 10, 1941;  
10:31 a. m.]

[Docket No. A-1065]

PETITION OF DISTRICT BOARD NO. 7 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR A MIXTURE OF THE COALS PRODUCED AT MINE NOS. 2, 3, AND 6 OF C. H. MEAD COAL CO., A CODE MEMBER IN DISTRICT NO. 7

## NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

*It is ordered*, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on November 7, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

*It is further ordered*, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other rec-

ords deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before October 30, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the establishment of the following price classifications and minimum prices for a mixture of the coals produced at the Mine Nos. 2, 3, and 6 of the C. H. Mead Coal Co.:

	Size group									
	1	2	3	4	5	6	7	8	9	10
For all shipments except truck	D	F	E	D	A	B	B	B	B	B
For truck shipments	290	250	280	215	195	190				

One of the issues presented herein is whether price classifications and minimum prices, as set forth above, or higher minimum prices, should be established for the coals of Mine No. 6 of the C. H. Mead Coal Co.

Dated: October 8, 1941.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 41-7603; Filed, October 10, 1941; 10:31 a. m.]

[Docket No. A-150]

PETITION OF BEAR CANON COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 17, FOR MODIFICATION OF THE EFFECTIVE MINIMUM PRICES ESTABLISHED FOR PETITIONER'S COALS IN SIZE GROUPS 2, 3, 5, 7, 9, 17, AND 19, FOR SHIPMENT INTO MARKET AREAS 215, 217-223, 244-246

MEMORANDUM OPINION AND ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS

# OF FACT AND CONCLUSIONS OF LAW OF THE EXAMINER AND DENYING RELIEF

This proceeding was instituted by a petition filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by Bear Canon Coal Company, a code member in District 17, operating the Bear Canon No. 6 Mine (Mine Index No. 9). The petition seeks temporary and final orders which would (1) modify the effective minimum prices of the coals of the Bear Canon No. 6 Mine in Size Groups 1, 2, 3, 4, 5, 6, 7, 9, 13, and 14; (2) permit the petitioner to absorb freight transportation charges to the same extent as code members in Subdistricts 4, 5, 11, 12, 15, 16, and 18; (3) permit the petitioner to absorb not to exceed 25 cents per ton of the freight transportation charges on all shipments north and east of the petitioner's mine; (4) reclassify the petitioner's mine to transfer it from Subdistrict 7 to Subdistrict 8; and (5) protect from reductions or changes at points of delivery the "quality differentials" between the petitioner's coals and those of its competitors. On October 25, 1940, the petitioner filed a motion for temporary relief and further moved that the hearing be held at Trinidad, Colorado. On October 28, 1940, the petitioner filed an affidavit of its treasurer in support of its request for temporary relief.

District Board 17 filed an answer to the petition, opposing the relief therein sought and pointing out that in Docket No. A-174, by Order dated October 29, 1940, the petitioner had been temporarily reclassified in Subdistrict 8. Vickers Coal Company, a code member in District 17, also filed a petition for leave to intervene and, by amendment thereto, requested that the existing relationship between the petitioner's and its coals be maintained. District Boards 16 and 19 also filed petitions for leave to intervene.

Pursuant to notice to interested parties, an informal conference concerning the request for temporary relief was held and the petitioner, the Consumers' Counsel Division, and District Board 17 appeared. Thereafter, on December 26, 1940, the Director ordered the following Price Instruction and Exception temporarily added to the Schedule of Effective Minimum Prices for District No. 17:

18. When coals in Size Group No. 13 from the Bear Canon Coal Company, Bear Canon No. 6 Mine (Mine Index No. 9) are sold for shipment into Market Area 220, to the city of Pueblo, Colorado, for consumption in its Water Works plant, or the Standard Fire Brick Company, the minimum price listed herein for such coal shall be reduced 20 cents per net ton.

After due notice to all interested persons and pursuant to Orders of the Director and continuances of the hearing by the Examiner, a hearing in this matter was held before Thurlow G. Lewis, an Examiner of the Division, at a hear-

ing room thereof in Denver, Colorado. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. The petitioner, District Boards 16, 17, 18, and 19, Vickers Coal Company, and the Consumers' Counsel Division appeared.

Thereafter, District Board 17 filed a motion to terminate the temporary relief theretofore granted the petitioner. The petitioner filed an answer to the motion of District Board 17 and a motion for additional temporary relief. The Vickers Coal Company filed an answer to the petitioner's motion for additional temporary relief, requesting the granting of District Board 17's motion for termination of the temporary relief and denial of the petitioner's motion for additional temporary relief.

Thereafter, the Consumers' Counsel Division and the petitioner filed briefs.

On May 1, 1941, the petitioner filed an application to amend its petition, requesting, in view of its temporary reclassification in Subdistrict 8, (1) reductions in minimum price of 40 cents per ton on Size Groups 1 to 7 and 9, 20 cents per ton on Size Group 13, and 15 cents per ton on Size Group 14, for all shipments except to Market Area 218; (2) the establishment of the following exception: "Mine prices shown for Bear Canon No. 6 Mine for all size groups for shipment into all market areas may be reduced by the exact amount of the differential in the freight rate applying from Walsenburg or Canon City, whichever is lower;" (3) in the event that the freight charge absorptions requested were denied, reductions of 65 cents on Size Groups 1 to 7 and 9, 30 cents on Size Group 13, and 25 cents on Size Group 14; and (4) the establishment of minimum prices for the Bear Canon coals in Size Group 11 (1½" x 3/8") identical with the prices established for Size Group 11 in Subdistrict 9.

Thereafter, the Director issued a Memorandum Opinion and Order, finding that the temporary relief theretofore granted had proved unnecessary, that the temporary relief granted to the petitioner an undue advantage over other producers, that termination of such relief would not unduly prejudice the petitioner, and that the petitioner had not made a showing of the necessity for continuance of temporary relief, and ordering (1) the temporary relief theretofore granted vacated; (2) Price Instruction and Exception 18 added to the Schedule of Effective Minimum Prices for District No. 17 for All Shipments by the Order of the Director dated December 26, 1940, deleted; and (3) the motion of the petitioner for additional temporary relief denied.

Thereafter, the Director issued an Order designating C. Rollin Larrabee, Examiner, to propose and submit to the Director Proposed Findings of Fact, Conclusions of Law, and the recommendation of an appropriate Order in the

premises, and to perform all other duties delegated to Thurlow G. Lewis in connection with the proceedings.

On August 2, 1941, Examiner Larrabee submitted Proposed Findings of Fact and Conclusions of Law in this matter, recommending that an order be entered denying the petitioner's prayer for relief, reserving, however, for disposition in Docket No. A-174, the question of reclassification of the Bear Canon No. 6 Mine to Subdistrict 8, and an opportunity was afforded to all parties to file exceptions to the Report of the Examiner and supporting briefs.

The petitioner filed Exceptions on September 10, 1941, and requested that it be granted the right to make oral argument herein and further moved that, in the event the Director should disagree with the petitioner's contentions and position, the record be reopened for the introduction of further evidence. In its Exceptions, the petitioner incorporated by reference its previously filed brief.

Many of the petitioner's exceptions, which are directed to the sufficiency of the evidence to support the Proposed Findings of Fact and Conclusions of Law, are vague and general in nature. In its exceptions the petitioner, seeking to show that it has over a period of time regularly shipped substantial quantities of coal to market areas where it now seeks minimum price reduction, has relied heavily upon a tabulation submitted by it on July 19, 1941, referred to by the Examiner in his Proposed Findings of Fact. The petitioner states "that throughout the record and from the figures submitted by the petitioner on July 19, 1941, it appears that petitioner during the last five years produced and sold over 30,000 tons of coal annually, which moved into the markets referred to in the said statement \* \* \* I find that the figures submitted on July 19, 1941, show that during the last five years, the following total tonnages, exclusive of railroad fuel, were shipped to the market areas indicated in the tabulation.

Year:	Tonnage
1936.....	10,777
1937.....	15,820
1938.....	18,147
1939.....	20,708
1940.....	20,896

Nothing to the contrary appears in the record. The petitioner has made no specific claim with reference to railroad fuel.

It also appears from the said tabulation submitted by the petitioner that during the past five years no coal was shipped by the petitioner to Market Areas 222, 244 or 246; that in only one of those years, 1936, did the petitioner ship coal into Market Areas 205 and 206, which shipments amounted to a total tonnage of 372 and 117, respectively; that in only two of those years, 1936 and 1937, did the petitioner ship coal into Market Area 208, a total of 180 tons;

and that in only one of those years, 1936, did the petitioner ship coal into Market Area 210, a total of 76 tons, all said market areas being claimed by the petitioner to be its natural outlet for coals.

While the Examiner's statement that "the petitioner has, however, shipped no coals to many such destinations in recent years" may be more general than the record requires; nevertheless, the record does disclose, both from the testimony of the witness Plested, the general manager, secretary and treasurer of the petitioner, and from the figures submitted by the petitioner on July 19, 1941, that the petitioner has continued to lose its markets over a period of the past 10 or 12 years.

The petitioner's witness, Plested, testified that "ten or twelve years ago" the petitioner delivered coal into seven of the western states; that the petitioner's present markets are limited to the State of Colorado; and that "even in that we have delivered no coal in the last year to our normal customers in Market Area 217." He testified that the petitioner was losing markets when the N.R.A. came into being and continued to lose markets under the N.R.A. and thereafter prior to the establishment of the effective minimum prices by the Division.

As stated by the Examiner in the Proposed Findings of Fact:

The effective minimum prices intended to preserve, as nearly as may be, existing fair competitive opportunities, were not designed to revivify a producer's markets long since dead or to restore to a producer long lost customers. Nor were the effective minimum prices designed to permit any given producer to compete actively with other producers in all consuming market areas. A producer is not as of right entitled to a minimum price on his coal so low as to enable him to compete in a given market area with a producer more favorably situated with respect thereto in so far as transportation charges are concerned, where, as here, the less favorably situated producer did not compete in any substantial degree in the market area in question for some time prior to the establishment of the effective minimum prices.

After consideration of all the evidence, the Proposed Findings of Fact and Conclusions of Law, the Exceptions thereto, and the brief in support thereof, I find that the Exceptions are not well taken and that the evidence supports the Proposed Findings of Fact and Conclusions of Law of the Examiner.

The petitioner has had a full hearing in this matter extending over a period of three days, during which over 400 pages of testimony were taken; it has introduced numerous exhibits, and has filed a voluminous brief as well as full Exceptions to the Examiner's Proposed Findings of Fact and Conclusions of Law. All these have been considered. No good purpose will be served by an oral argu-

ment on the issues here involved and the request for oral argument is therefore denied.

The motion to reopen the record made by the petitioner in connection with the Exceptions is also denied. The petitioner did not specifically state what further evidence it desired to introduce.

On September 11, 1941, the petitioner moved that judicial notice be taken of certain portions of the record in General Docket No. 15. I have considered those portions of the record in General Docket No. 15 specified in the petitioner's motion. It is, therefore, unnecessary for me to rule on the petitioner's alternative motion that the record herein be reopened for the limited purpose of making said portions of General Docket No. 15 part of the record in the present proceeding.

Upon the basis of the above Opinion and for the reasons stated therein, I conclude that the Proposed Findings of Fact and the Conclusions of Law based thereon submitted by the Examiner on August 2, 1941, should be approved and adopted as the Findings of Fact and Conclusions of Law of the Director.

It is, therefore, ordered, That the said Proposed Findings of Fact and Conclusions of Law of the Examiner be and the same hereby are approved and adopted as the Findings of Fact and Conclusions of Law of the Director; and

It is further ordered, That the prayers for relief contained in the several petitions filed herein by Bear Canon Coal Company be and they hereby are denied, reserving, however, the question of reclassification of the Bear Canon No. 6 Mine to Subdistrict 8 for disposition in Docket No. A-174.

Dated: October 7, 1941.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 41-7604; Filed, October 10, 1941; 10:32 a. m.]

[Docket A-726]

PETITION OF CONSUMERS' COUNSEL REQUESTING THAT THE EFFECTIVE MINIMUM PRICES ESTABLISHED FOR "INDUSTRIAL" COALS PRODUCED IN DISTRICT 8 BE MADE APPLICABLE TO DISTRICT 8 COALS SOLD TO THE BOARD OF EDUCATION OF THE CITY OF ATLANTA, GEORGIA

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT AND PROPOSED CONCLUSIONS OF LAW AND RECOMMENDATIONS OF THE EXAMINER AND DENYING RELIEF

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with the Bituminous Coal Division by the Consumers' Counsel Division on behalf of the Board of Education of the City of Atlanta, Georgia, seeking permission for the Board to purchase double screened coals produced in Districts 7, 8, 9, and 13, for use in the public school buildings of the city, at "Industrial Coal" prices;

A petition of intervention having been filed by District Board 7;

A hearing having been held before a duly designated Examiner of the Division in Washington, D. C., on March 27, 1941;

The Examiner, Floyd McGown, having made and filed his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations in this matter, dated August 27, 1941, recommending that the relief prayed for by the petition herein be denied;

An opportunity having been afforded to all interested parties to file exceptions thereto and supporting briefs, and no such exceptions or supporting briefs having been filed;

The Director having determined that the Proposed Findings of Fact and Conclusions of Law of the Examiner in this matter should be approved and adopted as the Findings of Fact and Conclusions of Law of the Director:

*It is ordered*, That The Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner in this matter be and they hereby are approved and adopted as the Findings of Fact and Conclusions of Law of the Director in this matter.<sup>1</sup>

*It is further ordered*, That the relief prayed for in the petition of the Consumers' Counsel Division on behalf of the Board of Education of the City of Atlanta, Georgia, herein be and the same hereby is denied.

Dated: October 7, 1941.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 41-7605; Filed, October 10, 1941;  
10:32 a. m.]

[Docket No. A-792]

PETITION OF WEST VIRGINIA COAL AND TRANSPORTATION COMPANY, A CODE MEMBER OF DISTRICT 8 FOR PRELIMINARY, OR TEMPORARY, AND PERMANENT ORDER FOR ESTABLISHMENT OF FREE ALONGSIDE PRICES FOR COAL PRODUCED IN DISTRICT 8 BY CODE MEMBERS AND SHIPPED IN RIVER BARGES TO NORTHERN STATES POWER COMPANY, ST. PAUL AND MINNEAPOLIS, MINNESOTA

#### ORDER DENYING RELIEF

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with the Bituminous Coal Division by West Virginia Coal and Transportation Company, a code member producer in District 8, in behalf of the Northern States Power Company, a consumer, seeking Temporary and Final Orders permitting any code member in District 8 to sell coals in Size Groups 20, 21 and 22 at free alongside prices to the Northern States Power Company for consumption at its plants located at Minneapolis and St. Paul, Minnesota;

<sup>1</sup> Cf. Docket A-543.

A hearing having been held on May 14, 1941, before a duly designated Examiner of the Division at a hearing room of the Division in Washington, D. C., at which all interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The parties having waived preparation and filing of the Examiner's report, the undersigned made Findings of Fact and Conclusions of Law and having rendered an opinion in this matter which are filed herewith;<sup>1</sup>

*It is ordered*, That the relief requested by the petition of West Virginia Coal and Transportation Company herein be and the same hereby is denied.

Dated: October 8, 1941.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 41-7606; Filed, October 10, 1941;  
10:33 a. m.]

[Docket No. 1610-FD]

#### IN THE MATTER OF J. D. HAWKINS, DEFENDANT

#### MEMORANDUM OPINION AND ORDER OF DISMISSAL

This proceeding was instituted upon a complaint filed with the Bituminous Coal Division on March 10, 1941, by District Board 15, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937. The complaint alleged that J. D. Hawkins, a code member in District 15, operating the J. D. Hawkins Mine (Mine Index No. 672) in Putnam County, Missouri, sold, during October and November 1940, substantial quantities of lump coal at prices ranging from 20 cents to 55 cents below the effective minimum price;<sup>2</sup> that this constituted a wilful violation of the provisions of the Bituminous Coal Code and regulations thereunder, and prayed that the Division either cancel and revoke the defendant's code membership, or, in its discretion, direct the defendant to cease and desist from violations of the Code and Regulations thereunder.

Pursuant to Order of the Director, a hearing in this matter was held on May 23-24, 1941 before W. A. Shipman, a duly designated Examiner of the Division at a hearing room thereof in Unionville, Missouri. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. Appearances were entered on behalf of the complainant and the defendant. At the conclu-

<sup>1</sup> Not filed as part of the original document.

<sup>2</sup> The price established for such coals in the Schedule of Effective Minimum Prices for District No. 15 for Truck Shipments, effective October 1, 1940, was \$2.55 per ton. On October 29, 1940, an Order of the Director reduced the minimum price f. o. b. the mine to \$2.40. On December 7, 1940, an Order of the Director further reduced the minimum price f. o. b. the mine to \$2.30 per ton.

sion of the hearing, all parties waived the preparation and filing of a report by the Examiner, and the record was thereupon submitted to the undersigned.

J. D. Hawkins, the defendant, was a code member and operated a mine (Mine Index No. 672) in Putnam County, Missouri, until March 1941.<sup>1</sup>

The record fails to show wilful violation by J. D. Hawkins of the provisions of 4 II (e) of the Act, the Bituminous Coal Code, the Schedule of Effective Minimum Prices for District No. 15 for Truck Shipments, and the Marketing Rules and Regulations in connection with the sale of coal during October and November 1940.

*Now, therefore, it is ordered*, That the complaint of District Board 15 herein be and it hereby is dismissed.

Dated: October 7, 1941.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 41-7607; Filed, October 10, 1941;  
10:33 a. m.]

[Docket No. A-39]

PETITION OF DISTRICT BOARD 2 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS OF CERTAIN MINES NOT HERETOFORE CLASSIFIED AND PRICED

#### MEMORANDUM OPINION AND ORDER DENYING PETITION FOR RECONSIDERATION

This proceeding was instituted upon petition filed, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 and Order 303 of the Division, with the Bituminous Coal Division by District Board 2, proposing and seeking the establishment of price classifications and minimum prices for coals not theretofore classified and priced. Temporary relief was granted October 8, 1940, establishing certain minimum prices and price classifications as set forth therein. In the temporary order, railroad fuel prices, among others, were established for the coals produced at the Maust No. 7 Mine (Mine Index No. 311) of Loyalhanna Fuel Company ("Loyalhanna"), a code member in District 2.

On October 9, 1940, Loyalhanna intervened herein and an informal conference, pursuant to the 4 II (d) Rules, was held on October 15, 1940, at which railroad fuel produced at this mine was under discussion. No change was made in Loyalhanna's railroad fuel prices as a result of the informal conference.

A hearing was duly held and the Examiner, Charles S. Mitchell, submitted Proposed Findings of Fact and Conclusions of Law, recommending that Mine Index No. 311 be placed in Price Group 21 with a note providing that Mine Index 311 may reduce the f. o. b. mine price of Size Group 6 (mine run railroad fuel) by 5 cents per ton.

<sup>1</sup> It appears that Hawkins sold the mine in March 1941, to the son of one Noah Richmond.

Loyalhanna filed exceptions to the Examiner's Report, contending, among other things, that Mine Index 311 should be placed in Price Group 4 instead of Price Group 21.

On June 27, 1941, the Director entered a Final Order overruling the exception and classifying Mine Index 311 in Price Group 21 for railroad fuel with the provision that Size Group 6 may be reduced 5 cents per ton.

On September 11, 1941, Loyalhanna filed a petition herein seeking a reconsideration of that part of the Final Order dated June 27, 1941, establishing a price classification and minimum f. o. b. mine prices for coal produced at the Maust No. 7 Mine for sale as railroad fuel.

The matter of railroad fuel prices for this mine has been under consideration by the Director upon the informal conference, by the Examiner upon the evidence, and by the Director upon the record and Loyalhanna's Exceptions to the Examiner's Report.

The Examiner's Report indicates that full consideration was given to the evidence relating to railroad fuel prices for this mine. The Exceptions filed by Loyalhanna were accompanied by an elaborate discussion and brief of that evidence. Upon consideration of the Examiner's Report and the Exceptions thereto and supporting brief, the Director again reviewed all of the evidence.

Nevertheless, upon the petition to reconsider, I have again reviewed the record and have concluded that no useful purpose is to be served by further detailed discussion of the evidence. It was stated in the Final Order "that the Examiner's findings of fact in regard to railroad locomotive fuel are completely supported by the substantial weight of the evidence; indeed, that the evidence compels those findings." I adhere to that conclusion.

The petition to reconsider the railroad fuel classification states that its primary basis is the market experience of the Loyalhanna coals since the hearing. It is contended that Pennsylvania Railroad has made no purchases of railroad fuel from the Maust No. 7 Mine under the temporary and final price classification, notwithstanding the sales agents of Loyalhanna have made special effort to effect such sales. The record reveals that the Maust No. 7 Mine began production in May 1940 and made no sales of railroad fuel to the Pennsylvania under open competition. The hearing was held November 13-18, 1940, and no sales had been made to that railroad up to the date of the hearing. The petition, supported by an affidavit, avers that no sales have been made to the Pennsylvania Railroad since the hearing and that the railroad will not pay over \$1.80 for strip mine coal. It is urged that this recent and comparatively more extended market history entitles Loyalhanna to a reconsideration of the Final Order and to a reclassification in Price Group 4 with a minimum price of \$1.80 for railroad fuel.

It is further charged in the petition and supported by affidavit that since

the hearing was held, other strip mines in District 2 have received reclassification in Group 4 on the basis of the alleged attitude of the Pennsylvania Railroad not to pay more than \$1.80 per ton for strip mined coal in District 2. It is urged that for this reason, also, Loyalhanna is entitled to a reconsideration of the Final Order and to a reclassification of its coals for sale as railroad fuel.

These are matters not properly to be considered on the petition for a reconsideration of the Final Order. Though supported by an *ex parte* affidavit, they are not a part of the record on which the Final Order was entered. Before these allegations could be considered, an opportunity must be afforded interested persons to be heard upon them. The showing made by Loyalhanna would seem to be amply sufficient to warrant and require a reopening of the hearing as to railroad fuel or the institution of a new proceeding. However, this petition does not seek to reopen the hearing and the circumstances do not present a situation authorizing the Director to treat it as such a motion. It is a motion to reconsider and as such, on the basis of the record, must be denied.

It is therefore ordered, That the petition of Loyalhanna Fuel Company for a reconsideration of the Final Order herein entered July 27, 1941, be and the same hereby is denied.

Dated: October 8, 1941.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 41-7608; Filed, October 10, 1941;  
10:33 a. m.]

[General Docket No. 12]

IN THE MATTER OF PRESCRIBING DUE AND REASONABLE MAXIMUM DISCOUNTS OR PRICE ALLOWANCES BY CODE MEMBERS TO "DISTRIBUTORS" UNDER SECTION 4, PART II (h) OF THE BITUMINOUS COAL ACT OF 1937, AND ESTABLISHING RULES AND REGULATIONS FOR THE MAINTENANCE AND OBSERVANCE BY DISTRIBUTORS IN THE RESALE OF COAL, OF THE PRICES AND MARKETING RULES AND REGULATIONS PROVIDED BY SECTION 4 OF THE ACT

IN RE PETITION OF RED JACKET COAL CORPORATION FOR AMENDMENT OF § 304.19 (e) OF THE RULES AND REGULATIONS FOR REGISTRATION OF DISTRIBUTORS TO PERMIT PETITIONER TO MAKE PRICE ALLOWANCES TO EMPIRE-HANNA COAL COMPANY, LTD., UPON COAL RESOLD BY SAID EMPIRE-HANNA COAL COMPANY, LTD., TO THE SAME EXTENT AS CODE MEMBERS ARE NOW PERMITTED TO ALLOW PRICE ALLOWANCES TO THEIR WHOLLY OWNED CANADIAN SUBSIDIARIES ON COAL RESOLD BY SAID REGISTERED CANADIAN DISTRIBUTORS, AS IS NOW PROVIDED BY SAID § 304.19 (e) OF THE SAID RULES AND REGULATIONS

ORDER APPROVING AND ADOPTING PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW AND RECOMMENDATION OF THE EXAMINER AND DENYING RELIEF

Red Jacket Coal Corporation, a code member, having, pursuant to the reserva-

tion of jurisdiction retained by the Director in this docket, filed a petition requesting that § 304.19 (e) of the Rules and Regulations for Registration of Distributors be modified so as to grant petitioner the same right to make a price allowance to Empire-Hanna Coal Company, Limited, from minimum f. o. b. mine prices upon coal resold by it to registered Canadian distributors, as though said Empire-Hanna Coal Company, Limited, were a wholly-owned Canadian subsidiary of the petitioner;

A hearing upon said petition having been held before an Examiner of the Division on February 10, 1941, pursuant to a Notice of and Order for Hearing therefor dated January 24, 1941; and the Examiner having made and entered his Report, Proposed Findings of Fact and Proposed Conclusions of Law in this matter, dated September 12, 1941, and having recommended that the relief prayed for in the petition of the Red Jacket Coal Corporation and other affirmative relief prayed for be denied;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs, and no such exceptions or supporting briefs having been filed;

The Director having determined after a consideration of the record that the Proposed Findings of Fact and Proposed Conclusions of Law and Recommendations of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the Director;

It is therefore ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be and the same hereby are approved and adopted as the Findings of Fact and Conclusions of Law of the Director;

It is further ordered, That the relief prayed for in the petition of the Red Jacket Coal Corporation and other affirmative relief prayed for be and the same hereby are denied.

Dated: October 8, 1941.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 41-7609; Filed, October 10, 1941;  
10:34 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Office of the Secretary.

ORDER DELEGATING TO ROBERT H. SHIELDS, ASSISTANT TO THE SECRETARY, THE AUTHORITY TO PERFORM REGULATORY FUNCTIONS

1. Pursuant to the authority vested in the Secretary of Agriculture by the act approved April 4, 1940 (54 Stat. 81), Robert H. Shields, Assistant to the Secretary, is authorized to perform any regulatory function, as defined in the said act of April 4, 1940, which the Secretary of Agriculture now is or hereafter may be authorized or required by law to perform.

2. The provisions of this order shall not affect the authority of the Secretary of Agriculture to perform any regulatory

function, and shall not affect the authority of the Under Secretary or of the Assistant Secretary of Agriculture, by virtue of any delegation of authority heretofore or hereafter made, to perform any such function.

3. The provisions of this order shall not be construed to limit the authority of Robert H. Shields, as Assistant to the Secretary, to perform any functions, in addition to those defined in the said act of April 4, 1940, which from time to time may be assigned by the Secretary to him.

4. The provisions of this order shall supersede Memorandum No. 915, issued on June 6, 1941, and Supplements Nos. 1 and 2 thereto, issued on June 24, 1941 (6 F.R. 3523).

Done at Washington, D. C., this 9th day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

CLAUDE R. WICKARD,  
Secretary of Agriculture.

[F. R. Doc. 41-7633; Filed, October 10, 1941;  
11:50 a. m.]

#### Surplus Marketing Administration.

[Docket No. AO 103-A 3]

NOTICE OF HEARING WITH RESPECT TO PROPOSAL TO AMEND TENTATIVELY APPROVED MARKETING AGREEMENT, AS AMENDED, AND ORDER NO. 42, AS AMENDED, REGULATING HANDLING OF MILK IN NEW ORLEANS, LOUISIANA, MARKETING AREA

Notice is hereby given of a hearing to be held in the New Orleans Hotel, New Orleans, Louisiana, beginning at 10:00 a. m., C. S. T., October 29, 1941, with respect to proposed amendments to the tentatively approved marketing agreement, as amended, and Order No. 42, as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area.

This notice is given pursuant to the provisions of Public Act. No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and of the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture.

This public hearing is for the purpose of receiving evidence with respect to amendments proposed by the Dairy Farmers' Protective League, Inc., to (1) redefine the terms "producer" and "handler", (2) change the present Class I prices to \$2.98 per hundredweight, provided such increase will not necessitate further increase in the price of milk to the consuming public within the area, or to \$3.20 per hundredweight, if the price to the consuming public must be increased, (3) increase the Class II price

by 15 cents per hundredweight, and (4) establish a market-wide instead of an individual-handler pool; with respect to amendments proposed by the Louisiana Milk Commission to (1) change the present Class I prices to \$3.10 per hundredweight, and (2) include in the order a base-rating plan and the provisions thereof; and with respect to amendments proposed by the Dairy Division, Surplus Marketing Administration, United States Department of Agriculture, to (1) revise the Class III price formula, (2) include a provision authorizing a deduction for marketing services not to exceed 3 cents per hundredweight, and (3) revise any sections of the order to make them consistent with any changes caused by the adoption or rejection of the aforesaid proposed amendments, or any part thereof.

Copies of the proposed amendments may be obtained from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Washington, D. C., in Room 0310, South Building, or may be there inspected.

[SEAL]

ROBERT H. SHIELDS,  
Assistant to the Secretary  
of Agriculture.

OCTOBER 10, 1941.

[F. R. Doc. 41-7627; Filed, October 10, 1941;  
11:50 a. m.]

#### DEPARTMENT OF LABOR.

##### Wage and Hour Division.

#### NOTICE OF GRANTING OF EXCEPTION PURSUANT TO THE RECORD KEEPING REGULATIONS

Notice is hereby given that pursuant to § 516.18 of the Record Keeping Regulations, Part 516, the Administrator of the Wage and Hour Division has granted to The Bowler Foundry Company, Cleveland, Ohio, authority to maintain payroll or other records which consolidate that part of the total daily or weekly straight-time earnings or wages due during overtime worked with the overtime excess compensation also due for that work time on condition that the separate items, as required by any of the applicable §§ 516.2 through 516.12, be obtainable by extension, recomputation or transcription pursuant to § 516.17 of those Regulations. This authority is limited to those of their employees who are employed at one specified unvarying rate of pay throughout the work week.

The authority is subject to avoidance for misrepresentation and revocation for cause.

Signed at Washington, D. C., this 9th day of October, 1941.

PHILIP B. FLEMING,  
Administrator.

[F. R. Doc. 41-7622; Filed, October 10, 1941;  
11:45 a. m.]

#### NOTICE OF HEARING ON MINIMUM WAGE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 31 FOR THE MISCELLANEOUS APPAREL INDUSTRY (MEN'S NECKWEAR, ROBES, GARTERS, SUSPENDERS, ARM BANDS, COVERED BUTTONS AND BUCKLES, ARTIFICIAL FLOWERS AND FEATHERS)

Whereas the Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, on July 8, 1941, by Administrative Order No. 116, appointed Industry Committee No. 31 for the Miscellaneous Apparel Industry (Men's Neckwear, Robes, Garters, Suspenders, Arm Bands, Covered Buttons and Buckles, Artificial Flowers and Feathers), composed of an equal number of representatives of the public, employers in the industry and employees in the industry, such representatives having been appointed with due regard to the geographical regions in which the industry is carried on; and

Whereas Industry Committee No. 31, on August 28, 1941, recommended a minimum wage rate for the Miscellaneous Apparel Industry and duly adopted a report containing such recommendation and reasons therefor and filed such report with the Administrator on August 29, 1941, pursuant to section 8 (d) of the Act and § 511.19 of the Regulations issued under the Act; and

Whereas the Administrator is required by section 8 (d) of the Act, after due notice to interested persons and giving them an opportunity to be heard, to approve and carry into effect by order the recommendation of Industry Committee No. 31 if he finds that the recommendation is made in accordance with law and is supported by the evidence adduced at the hearing before him, and taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of Section 8 of the Act; and, if he finds otherwise, to disapprove such recommendation;

Now, therefore, notice is hereby given that:

I. The recommendation of Industry Committee No. 31 is as follows:

Every employer shall pay not less than 40 cents per hour to each of his employees who is engaged in commerce or in the production of goods for commerce in the Miscellaneous Apparel Industry as defined in Administrative Order No. 116, dated July 8, 1941.

II. The definition of the Miscellaneous Apparel Industry (Men's Neckwear, Robes, Garters, Suspenders, Arm Bands, Covered Buttons and Buckles, Artificial Flowers and Feathers) as set forth in Administrative Order No. 116, issued July 8, 1941, is as follows:

The manufacture of men's and boys' neckties, scarfs and mufflers from any

woven materials or from purchased knitted materials; the manufacture of robes from any woven materials or from purchased knitted materials, including without limitation men's, women's, and children's bath, lounging and beach robes and dressing gowns; the manufacture of garters, suspenders, arm bands, other elastic woven products, and similar products, (except orthopedic and athletic products) from webbing, leather, or other material; the manufacturing process of covering buttons and buckles with cloth, leather or similar materials; the manufacture and processing, for use on apparel, of artificial flowers, buds, foliage, fruits, plants, and feathers, or parts thereof from any material; and the preservation and processing, for use on apparel, of natural flowers and feathers.

III. The full text of the report and recommendation of Industry Committee No. 31, together with any dissenting statements which may be filed by a member subsequent to the date of this notice, are and will be available for inspection by any person between the hours of 9:00 a. m. and 4:30 p. m. at the following offices of the United States Department of Labor, Wage and Hour Division:

Boston, Massachusetts, Old South Building, 294 Washington Street.

New York, New York, 341 Ninth Avenue.

Newark, New Jersey, Essex Building, 31 Clinton Street.

Philadelphia, Pennsylvania, 1216 Widener Building, Chestnut and Juniper Streets.

Pittsburgh, Pennsylvania, 219 Old Post Office Building, Fourth and Smithfield Streets.

Richmond, Virginia, 215 Richmond Trust Building, 627 East Main Street.

Baltimore, Maryland, 201 North Calvert Street.

Raleigh, North Carolina, North Carolina Department of Labor, Salisbury and Edenton Streets.

Atlanta, Georgia, Fifth Floor, Witt Building, 249 Peachtree Street N. E.

Columbia, South Carolina, Federal Land Bank Building, Hampton and Marion Streets.

Jacksonville, Florida, 456 New Post Office Building.

Birmingham, Alabama, 1007 Comer Building, 2nd Avenue and 21st Street.

New Orleans, Louisiana, 916 Union Building.

Jackson, Mississippi, 402 Deposit Guaranty Bank Building, 102 Lamar Street.

Nashville, Tennessee, 509 Medical Arts Building, 115 Seventh Avenue North.

Cleveland, Ohio, Main Post Office, West 3rd and Prospect Avenue.

Detroit, Michigan, 348 Federal Building.

Columbus, Ohio, 320 Old Federal Building.

Chicago, Illinois, 1200 Merchandise Mart, 222 West North Bank Drive.

Minneapolis, Minnesota, 406 Pence Building, 730 Hennepin Avenue.

Kansas City, Missouri, 504 Title & Trust Building, Tenth and Walnut Streets.

St. Louis, Missouri, 100 Old Federal Building.

Denver, Colorado, 300 Chamber of Commerce Building, 1726 Champa Street.

Dallas, Texas, Rio Grande National Building, 1100 Main Street.

San Francisco, California, Room 500, Humboldt Bank Building, 785 Market Street.

Los Angeles, California, 417 H. W. Hellman Building.

Seattle, Washington, 305 Post Office Building, Third Avenue and Union Street.

San Juan, Puerto Rico, Box 112 Post Office.

Washington, District of Columbia, Fourth Floor, Department of Labor.

Copies of the Committee's report and recommendation may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, Department of Labor, Washington, D. C.

IV. A public hearing will be held on October 27, 1941, before Major Robert N. Campbell, Presiding Officer, at 10:00 A. M. in Room 7129 of the United States Department of Labor Building at Washington, D. C., for the purpose of taking evidence on the following question:

Whether the recommendation of Industry Committee No. 31 shall be approved or disapproved.

V. Any interested person, supporting or opposing the recommendation of Industry Committee No. 31, may appear at the aforesaid hearing to offer evidence, either on his own behalf or on behalf of any other person: *Provided*, That not later than October 23, 1941, any such person shall file with the Administrator at Washington, D. C., a notice of his intent to appear which shall contain the following information:

1. The name and address of the person appearing.

2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing.

3. Whether such person proposes to appear for or against the recommendation of Industry Committee No. 31.

4. The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor, Washington, D. C., and shall be deemed filed upon receipt thereof.

VI. Any person interested in supporting or opposing the recommendation of Industry Committee No. 31 may secure further information concerning the aforesaid hearing by inquiry directed to the Administrator, Wage and Hour Division, United States Department of Labor, Washington, D. C., or by consulting with

attorneys representing the Administrator who will be available for that purpose at the offices of the Wage and Hour Division in Washington, D. C.

VII. Copies of the following documents relating to the Miscellaneous Apparel Industry will be made available upon request for inspection by any interested person who intends to appear at the aforesaid hearing:

Report entitled, *Miscellaneous Apparel Industry*, prepared by the Research and Statistics Branch, Wage and Hour Division, U. S. Department of Labor, August 1941.

Bulletin, Serial No. R. 1156, entitled, *The Bureau of Labor Statistics' New Index of Cost of Living, March 15, 1940*, prepared by the Bureau of Labor Statistics, U. S. Department of Labor.

Bulletin, Serial No. R. 1298, entitled, *Changes in Cost of Living, March 15, 1941*, prepared by the Bureau of Labor Statistics, U. S. Department of Labor.

Bulletin, Serial No. R. 963, reprint from the *Monthly Labor Review* of July 1939, entitled, *Differences in Living Costs in Northern and Southern Cities*.

Mimeographed release issued by the Bureau of Labor Statistics, U. S. Department of Labor, entitled, *Estimated Inter-city Differences in Costs of Living, June 15, 1941*.

Mimeographed release issued by the Bureau of Labor Statistics, U. S. Department of Labor, entitled, *Indexes of Cost of Living in 34 Cities for April 15, May 15, and June 15, 1941*.

Mimeographed release issued by the Bureau of Labor Statistics, U. S. Department of Labor, entitled, *Living Costs in Large Cities, July 15, 1941*.

VIII. The hearing will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Administrator or the Presiding Officer as are deemed appropriate:

1. The hearings shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request addressed to the Administrator, Wage and Hour Division, Department of Labor, Washington, D. C.

2. In order to maintain orderly and expeditious procedure, each person filing a Notice to Appear shall be notified, if practicable, of the approximate day and the place at which he may offer evidence at the hearing. If such person does not appear at the time set in the notice he will not be permitted to offer evidence at any other time except by special permission of the presiding officer.

3. At the discretion of the presiding officer the hearing may be continued from day to day, or adjourned to a later date, or to a different place, by announcement thereof at the hearing by the presiding officer, or by other appropriate notice.

4. At any stage of the hearing, the presiding officer may call for further evidence upon any matter. After the pre-

siding officer has closed the hearing before him, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

5. All evidence must be presented under oath or affirmation.

6. Written documents or exhibits, except as otherwise permitted by the presiding officer, must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.

7. Written documents and exhibits shall be tendered in duplicate and the persons preparing the same shall be prepared to supply additional copies if such are ordered by the presiding officer. When evidence is embraced in a document containing matter not intended to be put in evidence, such a document will not be received, but the person offering the same may present to the presiding officer the original document together with two copies of those portions of the document intended to be put in evidence. Upon presentation of such copies in proper form the copies will be received in evidence.

8. Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States at any designated place of hearing may be issued by the Administrator at his discretion, and any person appearing in the proceeding may apply in writing for the issuance by the Administrator of the subpoena. Such application shall be timely and shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

9. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

10. The rules of evidence prevailing in the courts of law or equity shall not be controlling.

11. The presiding officer may, at his discretion, permit any person appearing in the proceeding to cross-examine any witness offered by another person in so far as is practicable, and to object to the admission or exclusion of evidence by the presiding officer. Requests for permis-

sion to cross-examine a witness offered by another person and objections to the admission or exclusion of evidence shall be stated briefly with the reasons for such request or the ground of objection relied on. Such requests or objections shall become a part of the record, but this record shall not include argument thereon except as ordered by the presiding officer. Objections to the approval of the Committee's recommendation and to the promulgation of a wage order based upon such approval must be made at the hearing before the presiding officer.

12. Before the close of the hearing, the presiding officer shall receive written requests from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon the matter in issue. These requests will be forwarded to the Administrator by the presiding officer with the record of the proceedings. If the Administrator, in his discretion, allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceedings, and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.

13. Briefs (12 copies) may be submitted to the Administrator following the close of the hearing, by any persons appearing therein. Notice of the final dates for filing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.

14. On the close of the hearing the presiding officer shall forthwith file a complete record of the proceedings with the Administrator. The presiding officer shall not file an intermediate report unless so directed by the Administrator. If a report is filed, it shall be advisory only and have no binding effect upon the Administrator.

15. No order issued as a result of the hearing will take effect until after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER.

Signed at Washington, D. C. this 9th day of October, 1941.

PHILIP B. FLEMING,  
Administrator.

[F. R. Doc. 41-7623; Filed, October 10, 1941;  
11:46 a. m.]

#### FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6198]

#### NOTICE RELATIVE TO AMARILLO BROADCASTING CORP. (KFDA)

Application dated July 23, 1941, for renewal of license; class of service, broadcast; class of station, broadcast; location, Amarillo, Texas; operating assignment: frequency, 1,230 kc.; power, 250 w.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether applicant, either directly or indirectly, has transferred, assigned or in any manner disposed of any of the rights or responsibilities incident to its license to Gene Cagle, or any other person, without having obtained the written consent of the Commission, in violation of the provisions of the Communications Act of 1934, as amended, particularly section 310 (b) thereof.

2. To determine whether the station has been operated by Gene Cagle, or any other person, in violation of the provisions of the Communications Act of 1934, as amended, particularly section 301 thereof.

3. To determine whether in view of the facts adduced under the foregoing issues the granting of this application and the continued operation of the station will serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Amarillo Broadcasting Corporation,  
Radio Station KFDD, 109 E. 5th St., Amarillo, Texas.

Dated at Washington, D. C., October 8, 1941.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 41-7595; Filed, October 10, 1941;  
9:49 a. m.]

[Docket No. 6199]

#### NOTICE RELATIVE TO FEDERATED PUBLICATIONS, INC. (WELL)

Application dated January 29, 1941, for renewal of license; class of service, broadcast; class of station, broadcast; location, Battle Creek, Michigan; operating assignment: Frequency, 1,400 kc.; power, 250 watts; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether applicant, either directly or indirectly, has transferred, assigned or in any manner disposed of any of the rights or responsibilities incident to its license to Dan E. Jayne, or any other person, without having obtained the written consent of the Commission, in violation of the provisions of the Communications Act of 1934, as amended, particularly section 310 (b) thereof.

2. To determine whether the station has been operated by Dan E. Jayne, or any other person, in violation of the provisions of the Communications Act of 1934, as amended, particularly section 301 thereof.

3. To determine whether the applicant has failed to report to the Commission the existence of contracts with Dan E. Jayne, or the terms thereof, in violation of the provisions of the Commission's orders, rules or regulations, particularly Broadcast Division Order No. 2, or § 43.1 (formerly § 340.01).

4. To determine whether in view of the facts adduced under the foregoing issues the granting of this application and the continued operation of the station will serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Federated Publications, Inc., Radio Station WELL, 38 West State St., Battle Creek, Michigan.

Dated at Washington, D. C., October 8, 1941.

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 41-7596; Filed, October 10, 1941;  
9:49 a. m.]

#### FEDERAL POWER COMMISSION.

[Docket No. IT-5737]

#### IN THE MATTER OF KANSAS CITY POWER & LIGHT COMPANY

#### ORDER TO SHOW CAUSE AND FIXING DATE OF HEARING

OCTOBER 7, 1941.

It appearing to the Commission that:

(a) On January 3, 1939, Kansas City Power & Light Company, hereinafter referred to as "Company," submitted pro-

posed reclassification and original cost studies required by Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts Prescribed for Public Utilities and Licensees, effective January 1, 1937, and the Commission's order of May 11, 1937;

(b) The Commission's staff has made a field study of the Company's proposed reclassification and original cost studies and has submitted to the Commission a report entitled "Kansas City Power & Light Company, Kansas City, Missouri, Report on the Reclassification and Original Cost Studies of Electric Plant as at January 1, 1937";

(c) The Commission's staff report was transmitted to the Company on September 9, 1940, with a request that the accounting adjustments indicated in the report be made, copies of the adjusting journal entries be submitted, and a plan be submitted for disposing of the amounts, in such report, included in Account 100.5, Electric Plant Acquisition Adjustments, and, with a further request to the Company to advise whether it agreed to the recommended disposition of the amounts, in such report, included in Account 107, Electric Plant Adjustments;

(d) As a result of subsequent correspondence, conference and the submission of additional data certain modifications of the Commission's staff report were made;

(e) Agreement has not been reached between the Company and the Commission's staff with respect to the accounting adjustments indicated in the Commission's staff report as modified;

The Commission finds that:

(1) Kansas City Power & Light Company's proposed reclassification and original cost studies and the information submitted subsequently do not justify or explain the Company's failure to adjust its accounts in accordance with the adjustments recommended in the Commission's staff report referred to in paragraph (b) hereof as subsequently modified;

(2) The Company's proposed treatment of the amounts established in Account 100.5, Electric Plant Acquisition Adjustments, and Account 107, Electric Plant Adjustments, in the Commission's staff report referred to in paragraph (b) hereof as subsequently modified, does not appear to constitute a complete and proper plan for the disposition of the amounts established in the above-mentioned accounts;

(3) It is advisable, necessary, and proper in the public interest that a public hearing be held for the purpose of requiring Kansas City Power & Light Company to show cause, under oath, why this Commission should not order (a) adjustment of the Company's accounts in conformity with the recommendations made in the report referred to in paragraph (b) hereof as subsequently modified, and (b) disposition of the amounts established in Account 100.5, Electric

Plant Acquisition Adjustments, and Account 107, Electric Plant Adjustments, in accordance with the evidence adduced at said public hearing;

The Commission orders that:

A public hearing be held on December 1, 1941, at 9:45 a. m., at Kansas City, Missouri, in Jury Room 527 U. S. Court House, and at said hearing Kansas City Power & Light Company show cause, under oath, why the Commission should not determine by order that:

(A) Adjusting entries be made to bring the Company's accounts in conformity with the recommendations made by the Commission's staff in the report referred to in paragraph (b) hereof as subsequently modified;

(B) Disposition be made of the amounts established in Account 100.5, Electric Plant Acquisition Adjustments, and Account 107, Electric Plant Adjustments, in accordance with the evidence adduced at said hearing;

(C) The Public Service Commission of the State of Missouri and the State Corporation Commission of Kansas may participate in the hearing as provided in Part 39, § 39.4, of this Commission's Rules of Practice and Regulations prescribed pursuant to the provisions of the Federal Power Act.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 41-7585; Filed, October 10, 1941;  
9:41 a. m.]

[Project No. 120]

#### IN THE MATTER OF SOUTHERN CALIFORNIA EDISON COMPANY LTD.

#### ORDER POSTPONING REHEARING

OCTOBER 8, 1941.

It appearing that:

(a) By order dated July 18, 1940, the Commission granted the application of Southern California Edison Company Ltd., licensees for Project No. 120, for rehearing with respect to certain provisions relating to annual charges in the Commission's May 20, 1941, order authorizing amendment of license, such hearing to begin on October 13, 1941, in the Hearing Room of the Commission at Washington, D. C.;

(b) On October 7, 1941, the licensee informally requested postponement of the rehearing for a reasonable period of time;

It is ordered that:

The rehearing on this proceeding now set for October 13, 1941, is hereby postponed to November 12, 1941, beginning 9:45 a. m., in the Hearing Room of the Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 41-7586; Filed, October 10, 1941;  
9:41 a. m.]

## FEDERAL TRADE COMMISSION.

[Docket No. 4222]

IN THE MATTER OF NATHAN E. HERZFELD  
AND SAUL S. HERZFELD, INDIVIDUALS  
TRADING AND DOING BUSINESS UNDER  
THE NAME STEPHEN RUG MILLS

ORDER APPOINTING TRIAL EXAMINER AND  
FIXING TIME AND PLACE FOR TAKING  
TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of October, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Lewis C. Russell, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Saturday, October 18, 1941, at eleven o'clock in the forenoon of that day (Eastern Standard Time), Customs Court Room, Seventh Floor, Appraisers Stores, Baltimore, Maryland.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 41-7626; Filed, October 10, 1941;  
11:48 a. m.]

SECURITIES AND EXCHANGE COM-  
MISSION.

[File No. 811-360]

IN THE MATTER OF UTILITIES ASSOCIATES,  
INC.

## NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of October, A. D. 1941.

Utilities Associates, Inc., a registered closed-end management investment company, having duly filed an application pursuant to the provisions of section 8 (f) of the Investment Company Act of 1940 for an order declaring that it has ceased to be an investment company;

It is ordered, That a hearing on such matter under the applicable provisions of the Act and the Rules and Regulations of the Commission thereunder be held on October 21, 1941, at 10:15 o'clock in the forenoon of that day in the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW.,

Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That Charles S. Lobingier, Esq., or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-7615; Filed, October 10, 1941;  
11:34 a. m.]

[File No. 70-379]

IN THE MATTER OF CONSOLIDATED ELECTRIC  
AND GAS COMPANY AND LYNCHBURG  
TRACTION & LIGHT COMPANY

ORDER GRANTING APPLICATION AND PERMIT-  
TING DECLARATIONS TO BECOME EFFEC-  
TIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 8th day of October, A. D. 1941.

The above named persons having filed declarations and application pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b), 12 (b), 12 (c) and 12 (f) thereof and Rules U-42 and U-45 thereunder regarding a proposed change by Lynchburg Traction & Light Company of its common stock from \$50 par value per share to \$11 par value per share and surrender by Consolidated Electric and Gas Company to Lynchburg Traction & Light Company of \$67,500 principal amount of note indebtedness for cancellation as a capital contribution; and

Said declarations and application having been filed on August 13, 1941 and certain amendments having been filed thereto, the last of said amendments having been filed on October 4, 1941 and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The above named parties having requested that the said declarations, as amended, be permitted to become effective and that the said application, as

amended, be granted as soon as possible; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to grant said application, as amended, pursuant to section 6 (b) of said Act and to permit said declarations, as amended, pursuant to sections 12 (b), 12 (c) and 12 (f) of said Act and Rules U-42 and U-45 thereunder to become effective and being satisfied that the effective date of such declarations, as amended, and the date of granting such application, as amended, should be advanced.

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declarations, as amended, be and they hereby are permitted to become effective and that the aforesaid application, as amended, be and it hereby is granted forthwith.

By the Commission, Commissioner Healy dissenting for reasons stated in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-7616; Filed, October 10, 1941;  
11:34 a. m.]

[File No. 70-411]

IN THE MATTER OF INTERNATIONAL UTILI-  
TIES CORPORATION

## NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 10th day of October, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party or parties; and

Notice is further given that any interested person may, not later than October 24, 1941, at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

International Utilities Corporation, a registered holding company, proposes to

pay out of capital or unearned surplus a regular quarterly dividend on its \$3.50 Prior Preferred Stock at the rate of 87½¢ per share on the 98,968 shares of such stock presently outstanding. The aggregate amount of this dividend will be \$86,597.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-7630; Filed, October 10, 1941;  
11:56 a. m.]

[File No. 70-410]

**IN THE MATTER OF CRESCENT PUBLIC SERVICE COMPANY AND EMPIRE SOUTHERN SERVICE COMPANY**

**NOTICE REGARDING FILING**

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 10th day of October, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party or parties; and

Notice is further given that any interested person may, not later than October 24, 1941, at 4:45 P. M. E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Crescent Public Service Company proposes to purchase, at the current market price at the time of such purchase, \$87,500 principal amount of its Collateral Trust 6% Income Bonds, Series B, due October 1, 1954 from its subsidiary, Empire Southern Service Company, the consideration being a reduction in note indebtedness of such subsidiary held by Crescent Public Service Company in an amount equal to the purchase price.

The bonds purchased are to be retired. By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-7631; Filed, October 10, 1941;  
11:56 a. m.]

[File No. 59-27]

**IN THE MATTER OF INTERNATIONAL UTILITIES CORPORATION, RESPONDENT**

**ORDER POSTPONING HEARING**

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 10th day of October, A. D. 1941.

The Commission having, by its Order dated October 1, 1941, reconvened the hearing herein on October 13, 1941; and

It now appearing that such date for hearing should be postponed until October 22, 1941, and that such postponement will not be detrimental to the public interest, or the interest of investors or consumers;

It is therefore ordered, That the hearing in the above matter be and hereby is postponed until the 22d day of October, 1941, at 10:00 o'clock in the forenoon, said hearing to be held at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-7632; Filed, October 10, 1941;  
11:56 a. m.]

**UNITED STATES CIVIL SERVICE COMMISSION.**

**CONDITION OF THE APPORTIONMENT AT CLOSE OF BUSINESS TUESDAY, SEPTEMBER 30, 1941**

**IMPORTANT.**—Although the apportioned classified Civil Service is by law located only in Washington, D. C., it nevertheless includes only about half of the Federal Civilian positions in the District of Columbia. Positions in local post offices, customs districts and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment, a position in the apportioned service, the charge for his appointment continues to run against his State of original residence. Certifications of eligibles are first made from states which are in arrears.

State	Number of positions to which entitled	Number of positions occupied
<b>IN ARREARS</b>		
1. Puerto Rico.....	1,062	49
2. Virgin Islands.....	14	1
3. Hawaii.....	241	22
4. Alaska.....	41	12
5. California.....	3,926	1,307
6. Louisiana.....	1,344	618
7. Michigan.....	2,957	1,428
8. Arizona.....	284	144
9. Texas.....	3,546	1,833
10. Georgia.....	1,776	1,059
11. South Carolina.....	1,080	647
12. Kentucky.....	1,617	983
13. Mississippi.....	1,241	797
14. Alabama.....	1,610	1,038
15. North Carolina.....	2,030	1,373
16. New Mexico.....	302	206
17. New Jersey.....	2,364	1,661
18. Ohio.....	3,926	2,766
19. Arkansas.....	1,108	784
20. Nevada.....	63	45
21. Florida.....	1,078	862
22. Tennessee.....	1,657	1,337
23. Indiana.....	1,948	1,686
24. Delaware.....	151	133
25. Idaho.....	298	268
26. Illinois.....	4,488	4,042
27. Oregon.....	619	562
28. Connecticut.....	971	897
29. Wisconsin.....	1,783	1,675
30. Vermont.....	204	196
31. Pennsylvania.....	5,627	5,427
32. Rhode Island.....	405	404
33. Massachusetts.....	2,453	2,449

**IN EXCESS**

34. West Virginia.....	1,081	1,094
35. New Hampshire.....	279	284
36. Maine.....	482	508
37. Oklahoma.....	1,328	1,895
38. Missouri.....	2,151	2,274
39. Washington.....	987	1,052
40. Wyoming.....	142	153
41. Colorado.....	638	733
42. Utah.....	313	361
43. Iowa.....	1,443	1,677
44. Minnesota.....	1,587	1,578
45. New York.....	7,661	9,602
46. Montana.....	318	434
47. Kansas.....	1,024	1,434
48. South Dakota.....	365	516
49. North Dakota.....	365	516
50. Virginia.....	1,522	2,387
51. Nebraska.....	748	1,258
52. Maryland.....	1,035	2,575
53. District of Columbia.....	377	9,335

**GAINS**

By Appointment.....	3,466
By Transfer.....	36
By Reinstatement.....	1
By Correction.....	1
Total.....	3,504

**LOSSES**

By Separation.....	100
By Transfer.....	82
Total Appointments.....	76,192

NOTE: Number of employees occupying apportioned positions who are excluded from the apportionment figures under Sec. 3, Rule VII, and the Attorney General's Opinion of August 25, 1934..... 19,136

By direction of the Commission.

[SEAL] L. A. MOYER,  
Executive Director  
and Chief Examiner.

[F. R. Doc. 41-7584; Filed, October 9, 1941;  
3:14 p. m.]